Getting Started With Special Education (Ages 3-21)

You can talk to a real person about your questions or concerns.

Call the Colorado Department of Education’s Office of Special Education question line:
Phone: 720-926-1453
Email: Parents_ESSUquestions@cde.state.co.us

Call a Parent Advisor at PEAK Parent Center:
English and Spanish speaking Parent Advisors are available.
Phone: 719-531-9400
Email: parentadvisor@peakparent.org

If you need translation, allow extra time for that to be set up.

Find more resources for families below.

Overview

Special education helps students with learning at school. It provides a personalized plan to get the right support. The name of the plan is an "Individualized Education Program" or IEP. Not every student with a disability needs an IEP. There is a process to determine what the student needs. Parents take part in the process and have certain rights. This document provides more information.

Special education might be in a general classroom. It could be in a separate classroom for all or part of the school day. Other possible placements include a special school, home, a hospital, or a residential placement.

• If you suspect your child has a disability, talk to your school team. You can request an evaluation. You can learn more about the process under What to do if you suspect your child has a disability.
• **The Individuals with Disabilities Education Act (IDEA)** is the special education law for the United States.

• There are some key principles of special education.
  
  o **Free Appropriate Public Education**
  
  o **Appropriate Evaluation**
  
  o **The Individualized Education Program (IEP)**
  
  o **The Least Restrictive Environment (LRE)**
  
  o **Family Participation**
  
  o **Procedural Safeguards**

• Documentation is an important part of the special education process. You can learn more about the [Paperwork and Forms](#) that you should receive below.

• There are [Other Important Laws](#) for students with disabilities. These include Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

• You can get help understanding your rights. See [Resources for Families](#)

• Not every student has an adoptive or biological parent involved. Other people may fill these roles. See [Meaning of Parent](#)

**What to do if you suspect your child has a disability.**

**Request an evaluation.**

If you suspect a disability, let your school team know. Request an educational evaluation in **writing**. Give it to the school and to the [Special Education Director](#) for your district. You will need to wait for the school to provide the consent form.

**Copy of Procedural Safeguards**

The school should give parents the **Procedural Safeguards** when they request an evaluation. Learn more about [Procedural Safeguards](#) below.

**Sign the consent for the evaluation.**

The school cannot conduct an evaluation without parent consent. The school will give parents a Prior Written Notice & Consent for Evaluation form. This will describe the evaluation procedures
so that parents can give informed consent. Parents must sign the consent form. The school cannot conduct the evaluation without the signed consent.

Prior Written Notice if request is denied.

If the school says no to your request for an evaluation, the school should give you a Prior Written Notice (PWN).

Eligibility Determination

Not every student with a disability needs special education. The school will have an eligibility meeting. Parents are part of the meeting. To be eligible, the student must:

- Have at least one of the 14 categories of disability (see below), and
- need specialized support and instruction to benefit from education.

Categories of Disability

The fourteen categories of disability for special education in Colorado are:

- Autism Spectrum Disorder (ASD)
- Deaf-Blindness
- Developmental Delay (ages 3 through 8)
- Hearing Impairment, Including Deafness
- Infant/Toddler with a Disability
- Intellectual Disability
- Multiple Disabilities
- Orthopedic Impairment
- Other Health Impaired (OHI)
- Serious Emotional Disability (SED)
- Specific Learning Disability (SLD)
- Speech or Language Impairment
- Traumatic Brain Injury (TBI)
- Visual Impairment, Including Blindness
Timeline

- After receiving the signed consent, the school has **60 calendar days** to complete the evaluation.
- After the evaluation is complete, the school has **30 calendar days** to complete the evaluation.
- Parents must sign a consent to begin special education services for the first time.

The Individuals with Disabilities Education Act (IDEA)

The federal special education law is the Individuals with Disabilities Education Act. States must follow IDEA. State law can provide more than IDEA requires. Colorado's state special education law is the Exceptional Children’s Education Act.

Six key principles of IDEA are:

- **Free Appropriate Public Education** (FAPE)
- **Appropriate Evaluation**
- **Individualized Education Program** (IEP)
- **Least Restrictive Environment** (LRE)
- **Meaningful Parent and Student Participation**
- **Procedural Safeguards**

Free Appropriate Public Education

- **Free:** There is no cost to parents.
- **Appropriate:** The Individualized Education Program (IEP) meets the student’s unique needs. It needs to be appropriate, not the best.
- **Public:** It is supervised by the public school system. The program meets states standards.
- **Education:** It provides special education and related services. It is designed for the student to make progress in the general education curriculum.

Appropriate Evaluation

- The evaluation must cover all areas of suspected disability.
• The evaluation should include a variety of tools and strategies. It should gather functional, developmental, and academic information.
• The evaluation must be given in the language the student uses.
• The disability determination cannot be because of:
  o Lack of appropriate instruction, or
  o Limited English ability.

Some parents pay for a private evaluation because they want more specific information. Private evaluations can cost between $1,000-$5,000 depending on where you live.

If parents disagree with the school’s evaluation, they can ask the school to pay for an evaluation. This is an Independent Educational Evaluation (IEE). The school’s evaluation must be done first.

The Individualized Education Program (IEP)

All special education students must have an individualized education program or IEP. An IEP describes the plan for the student’s supports and services. The IEP is developed in a meeting.

IEP Meeting

There are rules for who attends the IEP meeting. School staff and parents work together at the meeting. After the initial IEP meeting, the school must have an IEP meeting each year. Parents can request an IEP meeting any time if needed. The meeting is scheduled at a time and place that the school staff and parents agree on. Parents must be given notice.

Required IEP Team Members

1. Parents. Parents must always be invited.
2. At least one regular education teacher if the student is in a regular education class.
3. At least one special education teacher (or Speech Pathologist if the student is only receiving speech and language services).
4. School district representative.
5. A person to explain evaluation results.
Optional IEP Team Members

6. Related services staff
7. Others who know student
8. Student

Parents can invite a friend, family, or community member who knows the student to the meeting. This can be a helpful support.

Sometimes one person can fill more than one required role. There are rules for excusing IEP team members. Parents must agree to this.

IEP Contents

The IEP includes specific information, including:

- Information about how the student is doing in school.
- Parent and student input.
- The impact of the student’s disability on academics and social skills.
- Goals for the next year.
- Related services like therapies, counseling, or transportation.
- Accommodations for the student.
- Modifications to the curriculum; and
- The type of placement appropriate to meet the student’s needs.

Most schools use a document management system to create the IEP document. The template will have the required sections.

The school must translate the IEP into the language of the family if they do not speak English.

Special Factors

There are special factors that the IEP team must consider. These include:

- Behavior
• Limited English ability
• Blindness or visual impairment.
• Communication needs for deaf or hard of hearing students
• Assistive technology needs.

If any of these are relevant, the IEP must address them.

The Least Restrictive Environment (LRE)

Students with IEPs should be in general classrooms to the “maximum extent appropriate.” The IEP team works together to determine the appropriate placement. The placement depends on the needs of the student. It might be in a general classroom. It could be in a separate classroom for all or part of the school day. Other possible placements include a special school, home, a hospital, or a residential facility.

Family Participation

Parents are members of the IEP team. They have a right to participate in meetings about their child’s special education. Parents can ask questions and provide information. School districts must consider what parent’s say and ask for. The school is not required to adopt proposals made by a student’s parents. The IEP also asks for student input. It helps to have the student attend meetings when they can.

Procedural Safeguards

Some of the rights of parents under IDEA include:

• The right to receive a complete explanation of all the procedural safeguards.
• Confidentiality and the right to inspect and review their child's educational records.
• The right to participate in meetings about the plan.
• The right to get an independent educational evaluation (IEE) of their child. If you disagree with the school’s evaluation, you can request that the school pay for the IEE.
• The right to receive “prior written notice” (PWN) of changes to the plan or if the school denies a request.
• The right to give or deny their consent before the school may take certain action about their child. These include conducting an evaluation, beginning special education services for the first time, and inviting non-school agencies to transition meetings.
• The right to disagree with decisions made by the school system about their child.
• The right to use IDEA’s procedures for resolving disputes.

The Procedural Safeguards document explains these rights in detail. If you have questions, contact a PEAK Parent advisor or the CDE question line. See Resources for Families.

Other Important Laws

Section 504 is part of the Rehabilitation Act of 1973. It applies to programs that receive federal funds. This includes schools. Schools must provide equal access to students with disabilities. Students with disabilities who don’t have an IEP may have 504 Plans.

The Americans with Disabilities Act also protects people with disabilities. It applies to many aspects of public life, including public schools. It requires that students have equal access.

Resources for Families

There are resources to help families with the special education process.

• Colorado Department of Education, Parents/Families of a Child with a Disability
  ○ Office of Special Education question line:
    ▪ Phone: 720-926-1453
    ▪ Email: Parents_ESSUquestions@cde.state.co.us
• PEAK Parent Center, Parent Training and Information Center
  ○ Parent Advisors:
    ▪ Phone: 719-531-9400
    ▪ Email: parentadvisor@peakparent.org
• Show and Tell, Community Parent Resource Center in the Denver area. They focus on BIPOC (Black, Indigenous, and People of Color) families.
• El Grupo Vida is a network of Hispanic/Latino parents.
• **Parent to Parent of Colorado** (P2P) is a network. They connect families with disabilities or special healthcare needs.

• **Local Arc Chapters** provide services for people with intellectual developmental disabilities.

• **Disability Law Colorado** is the Protection & Advocacy System for Colorado. They work to protect the rights of people with disabilities.

• There are several organizations that provide support to specific disabilities. Contact a Parent Advisor at PEAK Parent Center for more information.

• **Family Voices Colorado** is the Family-to-Family Health Information Center (F2F) and Family Voices Affiliate Organization (FVAO) in Colorado. They can answer questions about special health care needs.

**Paperwork and Forms**

The IEP is the document that covers the student’s plan of supports and services. Parents can request a translation of the final IEP document into the language spoken at home. Some schools may translate draft IEPs, but this is not required.

There are other documents that you should receive. Some of the common documents are listed below.

**Procedural Safeguards**

Parents should be given a copy of the Procedural Safeguards at least once a year or upon request. There are some specific times when parents must be given the Procedural Safeguards.

**Consent Forms**

The school must get your consent **before** they can do certain things. These are:

- an initial evaluation or reevaluation.
- providing special education services for **the first time**.
- inviting non-school agencies to transition IEP meetings.
Notice of Meetings

Notice of the meeting must be sent with enough time for parents to be able to attend. It is common for notice to be sent at least 10 days prior to the meeting. Usually, the time of the meeting is agreed before the notice is sent. Parents can ask for another time and place if they cannot attend.

Attendance Sheet

At the IEP meeting, you will sign an attendance sheet. This shows that you were at the meeting. In Colorado, parents do not sign the IEP.

IEP Team Member Excusal Form

You will be given this form if an IEP Team Member is excused from the meeting. Parents must agree to this.

Progress Reports

You will receive progress reports on the student’s progress toward their IEP goals. How and when progress reports will be delivered is in the IEP. Usually, they are given at the same time as grade reports.

Other forms

State approved Colorado IEP Forms can be found on the Colorado Department of Education (CDE) website.

Meaning of Parent

For special education purposes, “parent” means:

(1) a biological or adoptive parent.
(2) a foster parent.
(3) a guardian generally authorized to act as the child’s parent.
(4) an individual acting in the place of a biological or adoptive parent with whom the child lives.
(5) an appointed surrogate parents.

This resource is for information only. PEAK Parent Center works with the Colorado Department of Education to create resources. These resources do not represent the policy or views of the Colorado Department of Education. PEAK Parent Center does not provide legal advice or services. Nothing in this document should be used as a substitute for legal advice.