

Memorandum

From: Dr. Paul Foster

To: Special Education Directors, Advocacy Organizations, and Parents

Date: November 21, 2024

Re: State Complaint Procedures

On May 16, 2024, the U.S. Department of Education’s Office of Special Education Programs (OSEP) determined that the Colorado Department of Education’s (CDE) State Complaint Procedures required content for filing a written state complaint that exceeds the requirements under the Individuals with Disabilities Education Act (IDEA). In addition, OSEP determined that the State’s Rules for the Exceptional Children’s Educational Act (ECEA) do not define “public agency” to include the CDE in reference to state and due process complaints.

In response, the CDE has revised its model forms, procedural safeguards notice, and question and answer documents for state and due process complaints to be consistent with IDEA requirements. The CDE is in the process of revising ECEA Rules and State Complaint Procedures to be consistent with IDEA requirements.

Until the revisions to the State’s ECEA Rules and the State Complaint Procedures are in effect, the CDE will follow IDEA content requirements for state complaints, as described in 34 C.F.R. § 300.153(b), and due process complaints, as described in 34 C.F.R § 300.508(b).