

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

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**Federal Complaint 2001:518**

SAN LUIS VALLEY BOARD OF COOPERATIVE SERVICES

**Decision**

**INTRODUCTION**

A Complaint letter dated April 3, 2001, was received on April 6, 2001. However, this Complaint was rejected for reasons stated in certified correspondence to the complainants dated April 9, 2001, and received by the complainants on April 13, 2001. In subsequent correspondence from the complainants, dated April 24, 2001, and received April 30, 2001, the complainants supplied additional information, and the Complaint was accepted. Therefore, the filing date for this Complaint is April 30, 2001. The school's response to the Complaint was dated May 9, 2001, and received on May 11, 2001. The complainants' response to the school's response was dated May 18, 2001, and received on May 24, 2001. The Federal Complaints Officer then closed the record.

**COMPLAINANTS' ALLEGATION**

The complainants made one allegation that the Federal Complaints Officer determined was sufficient to be subject to the Federal Complaint process. In the words of the complainants:

(Complainants' daughter) was put to do day care, for elementary kids 1<sup>st</sup> hour, than 3 hours, in the kitchen. She was never paid and never given any credits for the work, even though (school staff person) said she'd get credits. She was told to scrub walls, do dishes and when she questioned why she couldn't have a normal schedule, like everyone, she was told she'd never succeed anyway and (school staff person) said she'd never graduate she'd never have enough credits. Complainants' Complaint letter dated April 3, 2001. Parentheticals supplied.

**SCHOOL'S RESPONSE**

The school responded to this Complaint as follows:

- The cafeteria work was substituted for child care work at (institute of higher education). (Complainants' daughter) attended (institute of higher education), which was a transition program as outlined in the IEP, from October 2000 through December 2000. (Complainants' daughter) refused to attend (institute of higher education) after December and was subsequently terminated from that position. This placement was

arranged for (complainants' daughter) through the Department of Vocational Rehabilitation for which she continues to qualify.

- The intent of the plan was that she would receive high school credit. She earned credit as indicated on enclosed report card.
- The cafeteria work began on January 29, 2001 and continued until February 28, 2001. She worked in the cafeteria three periods daily with the exception of January 30 and February 1, 2001. On these days she left school fifth period following the completion of the cafeteria work.
- She had previously indicated that she enjoyed her work.
- Quarterly grades are reflected but high school credits are earned by semester. Every attempt has been made to award (complainants' daughter) credit that she earned.
- Job shadowing is not monetarily compensated but school credit is awarded.
- Due to the inconsistency of attendance and lack of participation, attempts have been made by (school district) to give credits in "in-like course work." Please see documentation.
- From August 2000 to March 2001, seven different schedules have been implemented to meet (complainants' daughter's) needs. I would consider this a significant effort on the part of the (school district). School's response letter, dated May 9, 2001. Parentheticals supplied.

## **FINDINGS AND DISCUSSION**

The Federal Complaints Officer finds nothing in violation of the Individuals with Disabilities Education Act (IDEA), with regard to complainants' daughter's placement in day care work. Nor does the Federal Complaints Officer find any violation of IDEA with regard to complainants' daughter's subsequent placement in cafeteria work. The Federal Complaints Officer finds the school has provided school credit for this work, to complainants' daughter, as appropriate. The Federal Complaints Officer finds no violation of IDEA by the school. The complainants are entitled to a due process hearing, in addition to this Federal Complaint Decision, if they wish to further pursue their disagreement with the school.

## **CONCLUSION**

This Decision shall become final as dated by the signature of the Federal Complaints Officer. A copy of the appeal procedure is attached to this Decision.

Dated today, June \_\_\_\_\_, 2001.

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Charles M. Masner, Esq.  
Federal Complaints Officer