

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

Federal Complaint 2001:524

SOUTH CENTRAL BOCES

Decision

INTRODUCTION

This Complaint letter was dated May 25, 2001, and received by the Federal Complaints Officer on May 30, 2001. The school's response was dated June 11, 2001, and received by the Federal Complaints Officer on June 19, 2001. By certified mailing dated June 20, 2001, and received by the complainants on June 22, 2001, the complainants were provided an opportunity, within ten (10) days, to submit a response to the school's response to their Complaint, but they did not do so, within the ten (10) day time period, or otherwise. In the same certified mailing, the complainants were also provided an opportunity to withdraw their Complaint, but they did not do so. The Federal Complaints Officer subsequently closed the record.

COMPLAINANTS' ALLEGATION

"The attached IEP lists Speech and Language services for this school year, however services were not provided during the last semester of the year. Now BOCES wants us to bring (our daughter) in for services during the summer in addition to summer school. We are proposing that the services for speech and language be provided for one and one-half hours during the summer school hours. We do not feel it is right for my daughter to have to spend 5 or 6 hours in school during the summer because they failed to provide the services during the regular school year. I would like you to understand that ...Superintendent, has supported us on our desire of having it during the summer school session." Complainants' Complaint letter at page one (1). Parenthetical supplied.

SCHOOL'S RESPONSE

"South Central BOCES acknowledges the fact that the speech therapist serving (complainants' daughter) did have frequent absences due to a re-occurring illness. During the last 22 weeks of school, this therapist was absent a total of 13 days, 8 of these on days when (complainants' daughter) received speech therapy.

“To compensate for therapy missed, South Central BOCES is providing (complainants’ daughter) individual speech therapy on Monday, Wednesday and Friday’s throughout the month of June. Therapy began June 4th and ends June 29th.

“This will amount to twelve (12) therapy sessions of 1 hour and 15 minutes per session totaling 15 hours of individual speech therapy. (Complainants’ daughter’s) IEP states 30 minutes weekly of speech therapy (see enclosed IEP and staffing papers). Additionally, (complainants’ daughter’s father) requested (his daughter’s) therapy to occur from 8:45 a.m. – 10:00 a.m. on the designated days, which was implemented.” School’s response at page one (1). Parentheticals supplied.

FINDINGS AND DISCUSSION

The Federal Complaints Officer finds that the parties have satisfactorily resolved this Complaint.

CONCLUSION

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

Dated today, July _____, 2001.

Charles M. Masner, Esq.
Federal Complaints Officer