

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

Federal Complaint 2003:504

Weld County SD # 6

Decision

INTRODUCTION

This Complaint was dated January 29, 2003, and received by the Colorado Department of Education and the Federal Complaints Officer on February 14, 2003. The school district's response was dated March 6, 2003, and received, by fax, on March 7, 2003, and by delivery on March 10, 2003. The complainants' response to the school district's response to their Complaint was dated March 17, 2003, and received by the Federal Complaints Officer on March 25, 2003.

COMPLAINANTS' ALLEGATION

The allegation by the complainants, for resolution by this Complaint Decision, was, as stated by the complainants on the second page of their Complaint letter: "District Six did not provide the speech therapy services required by [our son's] IEP from the beginning of the 2002 fall term until January 21, 2003." Id.

SCHOOL DISTRICT'S RESPONSE

The school district's response to the complainants' allegation, as excerpted by the Federal Complaints Officer, was:

...

There were twenty weeks of school between August 20, 2002, and January 21, 2003. [Student's] IEP provides for forty-five minutes per week of direct service from a speech language pathologist, which means he missed fifteen hours of speech language service. School district's response at page two (2).

...

Since January 21, 2003, the speech language pathologist has provided forty-five minutes of one to one direct service to [student] per week. She has provided additional

direct services to two other children and [student] in a small group setting for twenty minutes per week. Based on the number of hours missed, the instruction by his teacher to remediate any missed services and the additional time spent by the speech language pathologist with [student], the District is willing to provide seven additional hours of speech language services to [student]. The compensatory services will be provided by increasing his speech language service time during the extended school year session this summer. School district's response at page four (4).

FINDINGS AND DISCUSSION

The complainants, in their response to the school district's response to their Complaint, did not dispute the school district's recitation of the facts determining the amount of speech language services their son missed. However, the complainants stated that "...we view the loss to be irreparable." Id. at page two (2). The Federal Complaints Officer finds that this student was denied Individualized Education Program (IEP) services, in violation of the Individuals with Disabilities Education Act (IDEA), as alleged by the complainants, and as stated by the school district.

REMEDY

The Federal Complaints Officer orders that this student is entitled to compensatory speech language services in the amount of seven (7) hours, to be provided during the extended school year 2003 summer session for this student, unless service delivery is otherwise agreed to by the parties, or unless the parents decline the provision of these services for their son.

CONCLUSION

In the concluding paragraph of their Complaint letter, the complainants' stated:

Proper pedagogy is related to many factors. It is not just a matter of time in instruction. It is also related to the time scale of instruction. This is why cramming for exams works so poorly. Knowledge takes time to internalize. Cramming more speech into a shorter time frame does not make up for missing more than a semester of speech therapy. I do not know what would. Id.

The Federal Complaints Officer agrees with the complainants, with the qualification that there are some learning losses which can be remedied, if not totally, at least partially, by compensatory education. Whether or not that is the case here is for the parents to decide. The authority, and the ability, of the Federal Complaints Officer extends no further than to find whether a school district has committed a violation of the IDEA subject to the jurisdiction of the Federal Complaint process, and, if so, what remedy can be appropriately provided. That is what the Federal Complaints Officer has done in this Complaint. If the parents and the school district should determine that their efforts on behalf of this student could benefit from the help of a

mediator, the Federal Complaints Officer remains willing to assign a mediator to provide such help.

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

Dated today, April _____, 2003.

Charles M. Masner, Esq.
Federal Complaints Officer