

**LOCAL
FISCAL IMPACT**

Drafting Number: LLS 11-0581
Prime Sponsor(s): Sen. Spence
 Rep. Ferrandino

Date: February 4, 2011
Bill Status: Senate Education
Fiscal Analyst: Josh Abram (303-866-3561)

TITLE: CONCERNING THE PROCESS FOR APPEALS UNDER THE "EXCEPTIONAL CHILDREN'S EDUCATION ACT."

Fiscal Impact Summary	FY 2011-2012	FY 2012-2013
State Revenue		
State Expenditures		
FTE Position Change		
Effective Date: July 1, 2011		
Appropriation Summary for FY 2011-2012: None.		
Local Government Impact: See Local Government Impact section		

Summary of Legislation

Currently, when a parent of a child with a disability disagrees with a local education provider concerning determination of need or special educational services provided, a two-step process is followed. State law first requires a due process hearing by a local hearing officer as established in rules of the State Board of Education (SBE). The decision of the local hearing officer may then be appealed to the Commissioner of Education. This bill provides parents and local education providers a one-step process in compliance with the requirements and provisions of the federal Individuals with Disabilities in Education Act (IDEA).

In order to request a hearing, either the parent or the local education provider may file a complaint directly with the Commissioner of Education, and the Colorado Department of Education (CDE) must provide the hearing in accordance with all the requirements and provisions of IDEA.

Local Government Impact

Many disagreements concerning special education services are resolved prior to the need for a hearing. However, when local education providers conduct a hearing, there are costs such as the hearing officer and court reporter, and for legal representation. There can also be costs for an interpreter for parents with hearing impairments or for a translator for parents who are not English speakers. Since the bill creates a hearing only when the parent or education provider file directly with the commissioner, these costs can be avoided at the local level.

Departments Contacted

Education Law