

**FINAL  
FISCAL NOTE**

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

**Date:** May 26, 2011  
**Bill Status:** Signed into Law  
**Fiscal Analyst:** Josh Abram (303-866-3561)

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

<b>Fiscal Impact Summary</b>	<b>FY 2011-2012</b>	<b>FY 2012-2013</b>
<b>State Revenue</b>		
<b>State Expenditures</b>		
<b>FTE Position Change</b>		
<b>Effective Date:</b> The bill was signed into law by the Governor on March 21, 2011, and takes effect on July 1, 2011.		
<b>Appropriation Summary for FY 2011-2012:</b> None.		
<b>Local Government Impact:</b> 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. The findings and decision made by the CDE are final; however, any party that feels aggrieved by the decision may bring a civil action pursuant to the 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