COLORADO
Department of Education

Colorado IEP Parent Training

Module 1: Overview of IDEA & Scope of Special Education

June 8, 2026

Module 1 overview

- Legal framework & administration of special education
- Overview of the Individuals with Disabilities Education Act (IDEA)
- More detail provided in modules 2-10 (topics listed on next slide)

Parent training modules 2-10

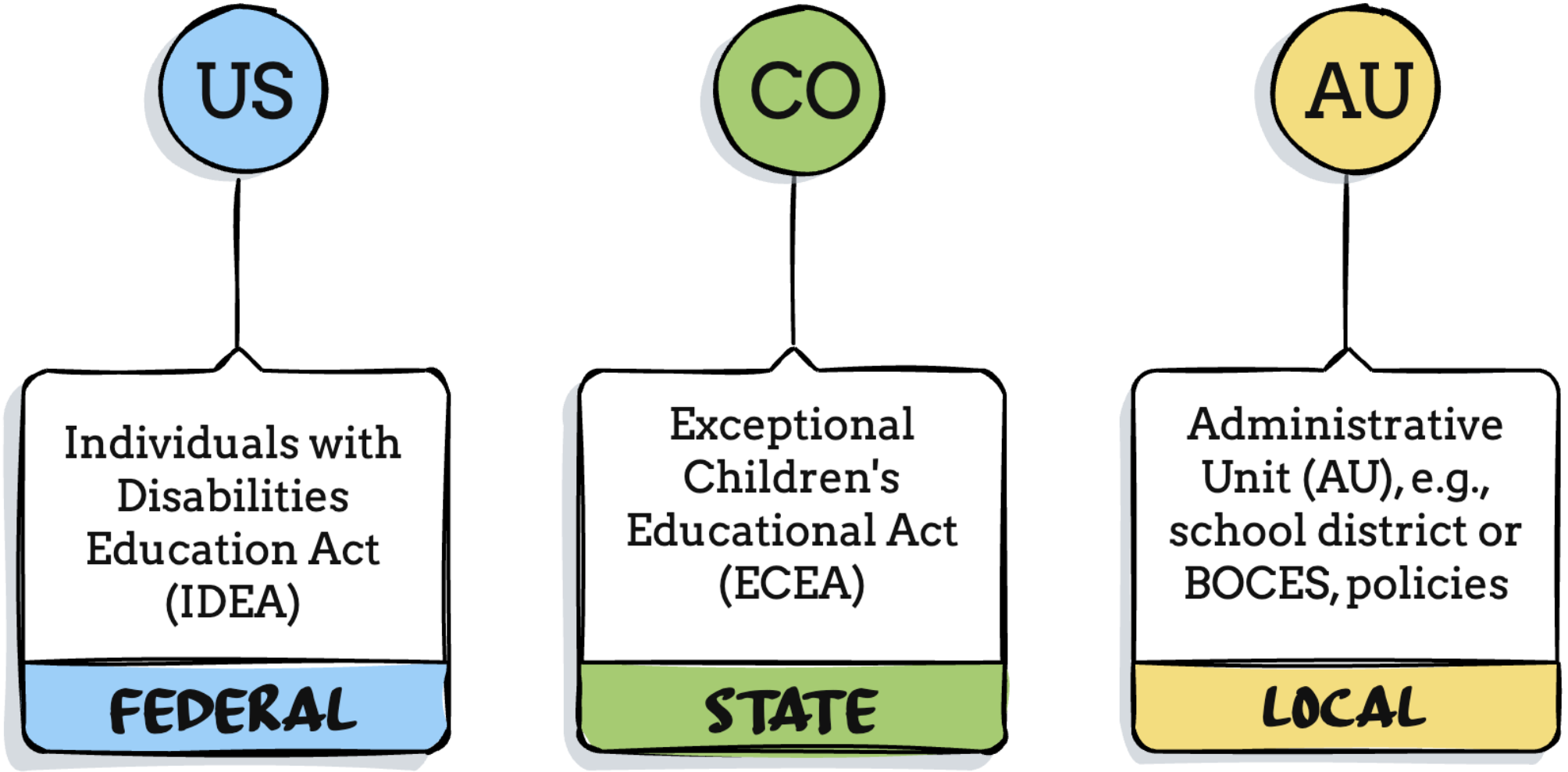
- Module 2: Identification and Evaluation
- Module 3: Eligibility
- Module 4: Individualized Education Program (IEP) Development, Review & Revision
- Module 5: Least Restrictive Environment
- Module 6: IEP Implementation
- Module 7: Parent and Student Rights
- Module 8: Discipline
- Module 9: Resolving Disagreements
- Module 10: Section 504 of the Rehabilitation Act

Legal Framework & Administration of Special Education

Part 1 – Legal framework & administration

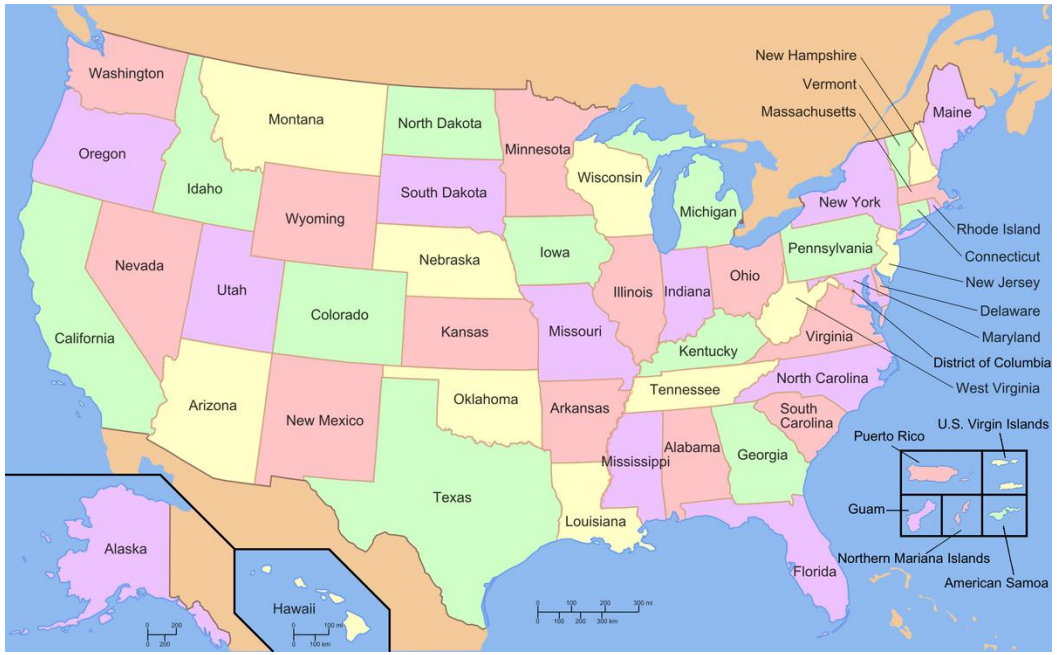
- Legal framework & administration
  - Individuals with Disabilities Education Act (IDEA)
  - Colorado's Exceptional Children's Educational Act (ECEA) & state variations
  - Local administrative units (AUs)

Legal framework



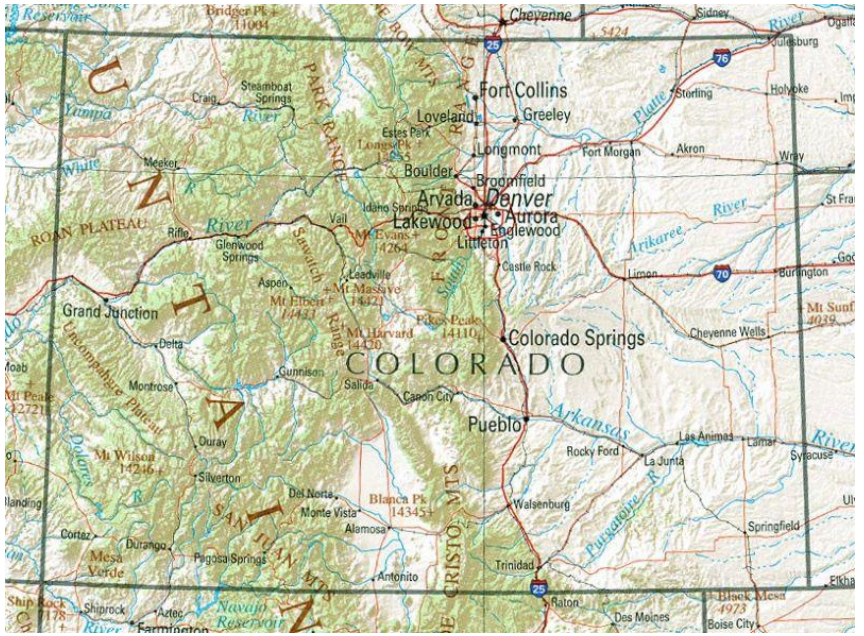
IDEA

- The **Individuals with Disabilities Education Act (IDEA)** is the special education law for the United States. It is the federal law that describes what states must do to educate children with disabilities.



ECEA

- States establish their own rules and guidelines for meeting IDEA's requirements.
- States can do more than IDEA requires, not less.
- Colorado's state special education law is the **Exceptional Children's Educational Act (ECEA**).



Other federal laws

- Other federal laws also relate to the education of children with disabilities. These include:
  - **Section 504** of the Rehabilitation Act of 1973 and
  - Title II of the Americans with Disabilities Act (**ADA**).
- **Module 10** is about Section 504.



Scope of IDEA

- IDEA applies to the education of eligible children with disabilities **from birth through age 21.**
- **Part C** of IDEA relates to early intervention services. Part C is for infants and toddlers with disabilities and their families **(birth through 2)**.
- **Part B** of IDEA relates to special education for school-aged children with disabilities **(ages 3-21).**



Office of Special Education Programs

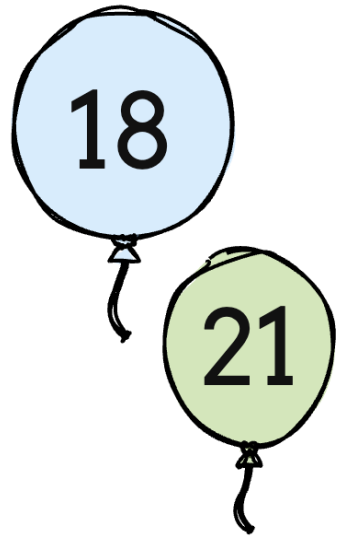
- The Office of Special Education Programs (OSEP) administers IDEA.
- OSEP is part of the U.S. Department of Education.
- OSEP provides funding for a portion of states' costs of providing special education. Most of the funding comes from state and local sources.
- OSEP monitors compliance using data provided by the states.

Examples of Colorado variations

- Colorado has its own guidelines for IDEA's disability categories. (Colorado's guidelines are linked on CDE's page on Disability Categories.)
- Under IDEA, and in Colorado, eligibility for special education ends at 21.
- In Colorado, transition services (planning for life after high school) must begin by age 15.
- In Colorado, parents do not sign the IEP.

State law determines age of majority

- IDEA refers to state law for the age of majority. 34 CFR § 300.520
- For the transfer of IDEA parental rights, the age of majority for educational purposes in Colorado is age 21. ECEA Rule 6.02(9).
- For most things, the age of majority is 18.
- This can create confusion when dealing with student records. FERPA (Family Educational Rights & Privacy Act) rights transfer at age 18. Parents' IDEA rights for students who remain in public education continue until the age of 21.



Pay attention to timelines outside of IDEA

- IEP planning for life after high school begins at **age 15** (or earlier if the team agrees).
- Eligibility for adult services and benefits typically begins at **age 18**.
- Children who are eligible for adult Home and Community Based Services because of a developmental disability can get on the waiting list at **age 14**. Learn more at Colorado Department of Health Care Policy & Financing, Waiting Lists and Enrollment.
- Learn more about timelines at CDE, Important Transition Ages and Milestones.

Other Colorado laws

- Other Colorado state laws also affect education of children with disabilities or suspected disabilities.
- For example:
  - The Colorado READ Act focuses on early literacy development for all students. (For more information, see CDE, Colorado READ Act).
  - As of the 2027-28 school year, Colorado requires universal dyslexia screening in early grades (K-3). (SB 25-200).
  - Colorado has a law on abbreviated school days (HB 24-1063). This law protects the rights of children to attend a full day of school. You can learn more in **Module 7** on Parent and Student Rights.
  - Colorado has a law relating to disability rights in public schools (SB 26-125) and a law relating to discriminatory practices in public schools (HB 26-1141).

Local control

- States have laws governing local school boards.
- The amount of control that states have over school boards varies.
- In Colorado, local school boards have significant control over certain decisions. For example, curriculum, personnel, and graduation requirements.
- Local control does not change a school board's obligations under IDEA and ECEA.



Role of CDE

- The Colorado Department of Education (CDE)'s Office of Special Education administers ECEA and IDEA.
- CDE has authority to monitor and enforce IDEA and ECEA requirements (including the procedural safeguards) pursuant to its responsibility for general supervision.
- The Office of Special Education is one of three offices within the Exceptional Student Services Unit (ESSU). The other offices are the Office of Facility Schools and the Office of Gifted Education.

Administrative Unit policies

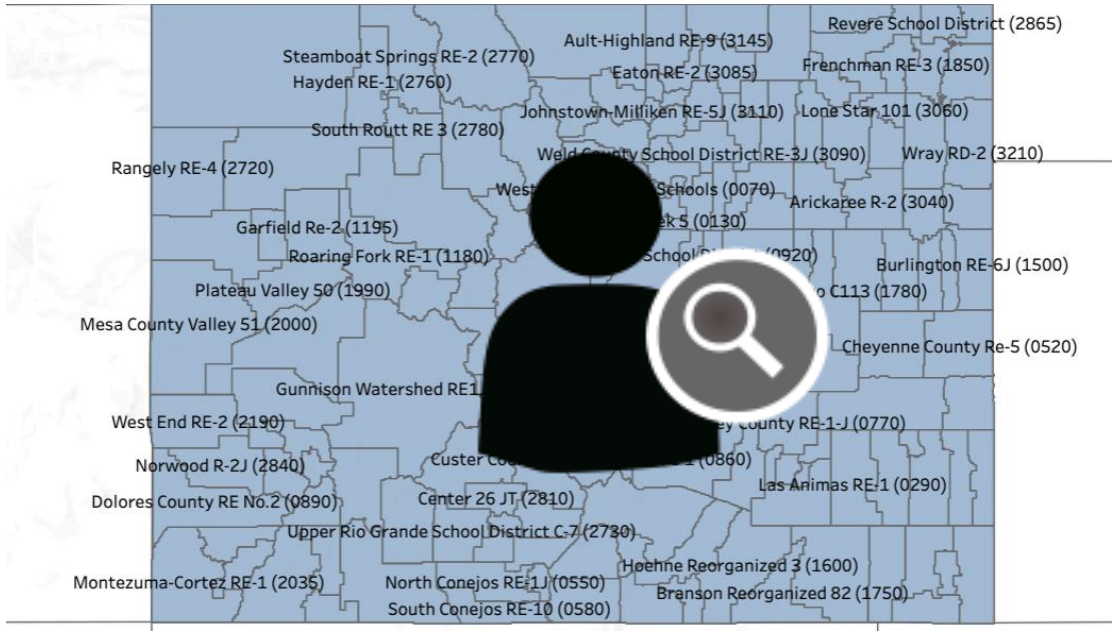
- An **Administrative Unit** (AU) is an agency that is responsible for the local administration of the ECEA Rules. AUs must be approved by CDE.



- The term AU includes a school district, board of cooperative services, multi-district administrative unit, a charter school network, a charter school collaborative, or the State Charter School Institute, that is providing educational services to exceptional children and is responsible for the local administration of the ECEA Rules.
- AUs set policies. Their policies must align with state and federal law.
- The term AU will be used throughout this training.

Special Education Directors

- If you have questions about special education in your AU, you can contact the Special Education Director.
- You can find your Special Education Director on the CDE website.
  - [Find Your Special Education Director]



What do parents ask Special Education Directors?

- Here are some examples of questions parents ask:
  - Questions about the process (evaluation, eligibility, IEP meetings, etc.).
  - What support will my child get if they aren't eligible for special education?
  - What do accommodations (and other supports) look like in the classroom?
  - Guidance on concerns about staffing or how services are being provided.
  - Questions relating to transportation as a related service.
  - How does special education affect graduation?
  - What happens after graduation?
  - I am getting conflicting information, what is correct?

Overview of IDEA

Part 2 – Overview of IDEA

- Purpose
- Free Appropriate Public Education (FAPE)
- Definitions of Special Education and Related Services
- Steps in the IDEA process
- Evaluation & Eligibility
- Individualized Education Program (IEP)
- Parent & Student Rights
- Least Restrictive Environment (LRE)

Purpose of IDEA

The purpose of IDEA is to "ensure that all children with disabilities have available to them a **free, appropriate public education** that emphasizes **special education and related services** designed to meet their unique needs and prepare them for **further education, employment, and independent living**."

24 USC § 1400(d)(1), 34 CFR § 300.1 (emphasis added).







Definition of free appropriate public education

- IDEA says **free appropriate public education (FAPE)** means "special education and related services that—
  - (A) have been provided at public expense, under public supervision and direction, and without charge;
  - (B) meet the standards of the State educational agency;
  - (C) include an appropriate preschool, elementary school, or secondary school education in the State involved; and
  - (D) are provided in conformity with the individualized education program required under section 1414(d) of [IDEA]."

  24 USC § 1401(9), 34 CFR § 303.15.

What free appropriate public education means

- ”**Free appropriate public education**” means:
  - Special education and related services are at no cost to parents.
  - The services are based on the child’s unique educational needs.
  - The services are designed to provide educational benefit.
  - Public schools are responsible.
  - The education meets the state educational standards.
  - An Individualized Education Program (IEP) outlines the services.

Procedural and substantive requirements

- IDEA contains various **procedural requirements.** These explain the steps and processes that must be followed. They also protect the rights of parents and children and ensure that they can participate in the process.
- IDEA also has **substantive requirements.** These are about the substance or content of the IEP and how it is carried out.
- Colorado's **Procedural Safeguards Notice** (PSN) has information on procedures and parents' rights. Links to the PSN are on CDE's website at Individualized Education Program (IEP) and at Dispute Resolution, Parent and Child Rights in Special Education.

FAPE standard from *Rowley* case (1982)

- The U.S. Supreme Court ruled on the legal standard for FAPE in *Board of Education of Hendrick Hudson Central School District v. Rowley, 458 U.S. 176* (1982).
- The *Rowley* case provided a two-part FAPE standard.
  - Has the AU complied with the procedures set forth in IDEA? (Procedural); and
  - Is the IEP developed through IDEA's procedures reasonably calculated to enable the child to receive **educational benefit**? (Substantive)

Clarification of FAPE standard in *Endrew F.* case

- The substantive standard was clarified by the U.S. Supreme Court in *Endrew F. v. Douglas County School District*, 580 U.S. 386 (2017).
  - "To meet its substantive obligation under the IDEA, a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances."
- The court also noted that:
  - The IEP should be "appropriately ambitious in light of [the child's] circumstances."
  - "Every child should have the chance to meet challenging objectives."

Effect of issues related to FAPE

- Not every instance of procedural noncompliance or shortfall in implementation of the IEP will be a denial of FAPE.
- Determinations about FAPE depend on the facts and circumstances of each situation.
- Reviewing agencies will consider the significance of a discrepancy or shortfall.

Definition of special education

What IDEA says:

- ***Special education*** means "specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, . . ." 34 CFR § 300.39(a)(1).

What this means:

- Special education is instruction designed to meet a child's unique needs. The instruction addresses educational needs that arise from the child's disability.
- The definition of "**specially designed instruction**" is on the next slide.

Definition of specially designed instruction

What IDEA says:

- ***Specially designed instruction*** means "adapting, as appropriate to the needs of an eligible child . . ., the content, methodology, or delivery of instruction-
  - (i) To address the unique needs of the child that result from the child's disability; **and**
  - (ii) To ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children." 34 CFR § 300.39(b)(3). (emphasis added).

What specially designed instruction means

What this means:

- Specially designed instruction (SDI) means adapting instruction for a particular child. This can be a change to the content, method, or delivery of instruction.
- SDI must both
  - address the child's needs resulting from their disability, and
  - ensure access to the general curriculum.

Definition of related services

- **What IDEA says:**
  - ***Related services*** means "transportation and such developmental, corrective, **and other supportive services** as are required to assist a child with a disability to benefit from special education . . ." 34 CFR § 300.34(a) (emphasis added).
  - The requirement for specifying related services in the IEP is explained in 34 CFR § 300.320(a)(4). This provides the context for the scope of related services.

What related services means

- **What this means:**
  - Related services provide extra support to children with disabilities to help them:
    - benefit from their special education,
    - participate in the general education curriculum, extracurricular and nonacademic activities, and
    - participate in activities with other children with disabilities and without disabilities.
  - For example, support with speech, language, or movement, counseling, interpretation, nursing or social work, etc.
  - Related services may include indirect services, such as parent training.

Definition of supplementary aids and services

What IDEA says:

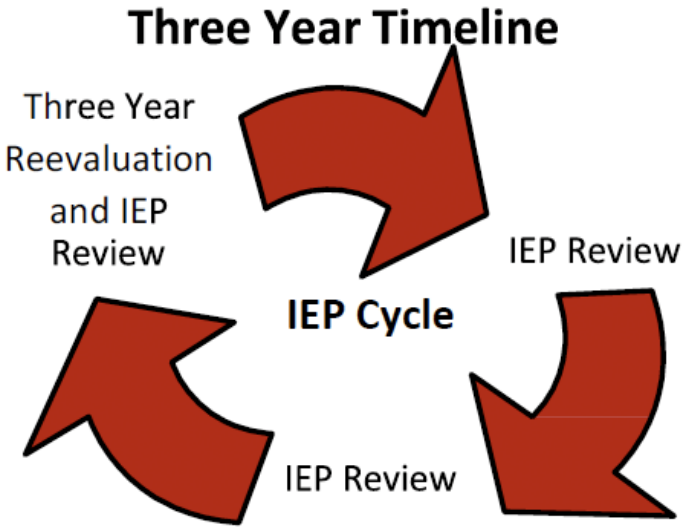
- ***Supplementary aids and services*** means "aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate . . ." 34 CFR § 300.42.

What this means:

- Supplementary aids and services are additional supports to help the student participate in the regular classroom.
- They might include accommodations and/or modifications, assistive technology, adult or peer support.

Steps in the IDEA process

1. Referral or Evaluation Request (Module 2)
2. Initial Evaluation (Module 2)
3. Eligibility determination (Module 3)
4. IEP development (if eligible) (Module 4)
5. IEP implementation (Module 6)
6. IEP review (at least annual) (Module 4)
7. Reevaluation (at least once every 3 years) (Module 2)



Evaluation

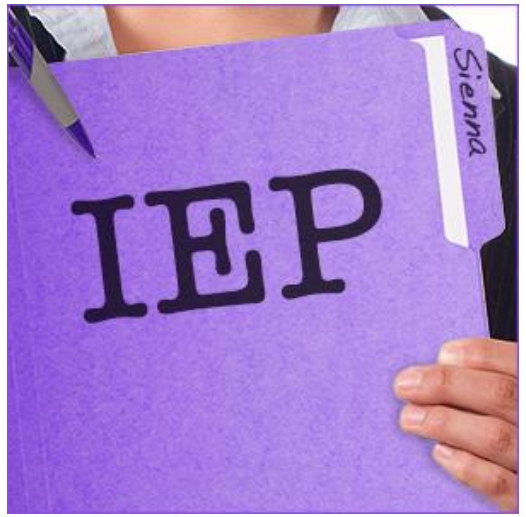
- An evaluation is done to provide information to determine if a child is eligible for special education.
- If the child is eligible, the team uses the information to develop the IEP.
- Parent consent is needed for the AU to conduct the evaluation.
- The evaluation must meet IDEA's requirements.
- IDEA requires reevaluations at least every 3 years. A parent or the AU can request an evaluation sooner if they think the child's educational needs have changed. The team will consider eligibility at each reevaluation.
- **Module 2** has more information about Evaluation.

Eligibility

- Not every child with a disability needs special education.
- To be eligible for special education in Colorado:
  1. The child must have a qualifying disability as defined by ECEA.
  2. The child must experience an adverse educational impact as a result of the disability.
  3. The child needs specially designed instruction to access and benefit from general education.
- A multidisciplinary team makes the determination of eligibility. The team includes the parents. **Module 3** gives more information about Eligibility.
- The determination is based on evaluation data. **Module 2** is about Evaluation.

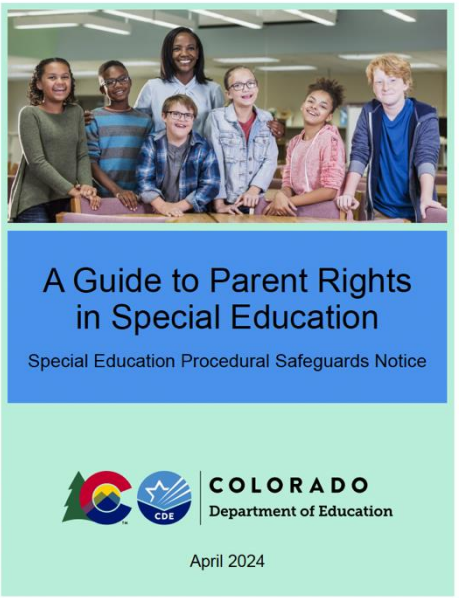
Individualized Education Program (IEP)

- For eligible children, FAPE is implemented through an **Individualized Education Program** (IEP). The IEP is the plan for providing special education and related services.
- A multidisciplinary team that includes the parents develops the IEP.
- **Module 4** is about IEP Development, Review, and Revision.
- **Module 6** is about IEP Implementation.



Parent and student rights

- Parents and students have certain rights under IDEA. These rights ensure that they are informed and given the opportunity to participate.
- IDEA provides rights related to discipline. (**Module 8**)
- IDEA also provides ways to resolve disagreements. (**Module 9**)
- Colorado's Procedural Safeguards Notice (PSN) explains parent rights. A link to the PSN is on CDE's website at Individualized Education Program (IEP) and at Dispute Resolution, Parent and Child Rights in Special Education.
- **Module 7** is about Parent and Student Rights.



Definition of parent

- IDEA defines “Parents” to include:
  - (a) a **biological, adoptive, or foster** parent;
  - (b) a **guardian**
  - (c) an individual **acting** in the place of a natural or adoptive parent; or
  - (d) an individual assigned to be a **surrogate** parent.
- A court order will take priority over the definition in the statutes/rules.
- Community members can apply and be trained to serve as Educational Surrogate Parents.

Least restrictive environment

- The “least restrictive environment” (LRE) is an important principle of IDEA.
- IDEA states a strong preference for children with disabilities to be educated with children without disabilities in the regular classroom.
- The IEP team determines the LRE based on the child’s unique needs and the goals, supports, and services in the IEP.
- **Module 5** is about Least Restrictive Environment.

Changing AUs during the school year

- If your child changes AUs (e.g., districts or BOCES, etc.) within the school year, the new AU must provide **comparable services** based on the existing IEP until a decision is made about eligibility, if applicable, and a new IEP is developed. Comparable services must be similar, not the same.
  - If your new AU is **within the state**, they can adopt the previous IEP or develop a new one.
  - If the new AU is **outside the state**, the new state may have different eligibility criteria. The new AU may conduct an evaluation to determine eligibility and, if eligible, develop a new IEP. 34 CFR § 300.323 (e), (f).

Paperwork & documentation

- The Special Education process involves a lot of paperwork and forms.
- You can find examples of many of the forms on CDE's Individualized Education Program (IEP) page.
- Documentation is important to show what information was communicated to parents.



FAPE review

Is the statement True or False?

- IEPs should align with state standards.
- A child with an IEP does not have to pay school fees.
- Children with IEPs can participate in extracurricular activities that are open to all children.
- The IEP must provide the best possible services.
- A child with an IEP can be educated in a separate classroom for all or part of the school day.
- A child should have challenging goals appropriate to their circumstances.
- Children who have been suspended or expelled do not receive services.

Individual support

Families, educators, and other professionals with questions about Special Education or needing assistance can contact CDE's Office of Special Education.

Phone: 720-926-1453

Email:

Parents_ESSUquestions@cde.state.co.us



CDE/Colorado resources

- Colorado Department of Early Childhood (CDEC), Early Intervention for Infants and Toddlers
- Early Intervention Colorado
- CDE, Disability Categories
- CDE, Colorado READ Act
- CDE, Office of Special Education
- Colorado BOCES (Boards of Cooperative Education Services) Association
- CDE, Find Your Special Education and Gifted Directors in Colorado
- CDE, Individualized Education Program (IEP)
- CDE, Special Education and Educational Surrogate Parents
- CDE, Special Education Guidance and Technical Assistance

More resources (not specific to CO)

- US Dept. of Education (US ED), OSEP Monitoring
- IDEA Data Center, SPP/APR Indicator Card
- Congress.gov, The Rights of Students with Disabilities Under the IDEA, Section 504, and the ADA
- ADA website, Guide to Disability Rights Laws