



# Back to School: OCR Town Hall on Educational Advocacy

2024-2025

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## Hot Topics in the Fall

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### Elie's Top Issues:

- August-September: Legal issues? Discipline.
- September-October: IEPs
- October-November: MDRs
- December: Discipline

### Matt's Top Issues:

- BID Meetings
- Facility School Placement
- Education in Detention

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# EZ's Top Issues: Discipline

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Colo. Rev. Stat. § 22-33-105, -106, -108

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## Reminder Re:Changes

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Current Law	Since HB23-1291
School districts could appoint anyone to be expulsion hearing officer	...not if there is a conflict of interest

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## Reminder Re:Changes

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Current Law	Since HB23-1291
School districts could appoint anyone to be expulsion hearing officer	...now they need training

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## Reminder Re:Changes

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- 1) Child and adolescent brain development
- 2) Restorative Justice
- 3) Alternatives to Expulsion
- 4) Trauma-Informed Practices
- 5) Conflict and Bias in Discipline
- 6) Applicable Law

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## Reminder Re:Changes

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Current Law	Since HB23-1291
School districts may consider mitigating factors	<i>Shall</i> consider

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## Fight Every Expulsion

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- Resources
  - Transformative Justice Project of Colorado (TJP)
    - Colo. Lawyers Committee

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# Disproportionate School Discipline Task Force

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The [report](#) is live—and all meetings are available to the public.



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## EZ's Top Issues: IEPs and MDRs

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IDEA: 20 U.S.C. § 1400 et seq., 34 C.F.R. § 300 et seq.

Note: 20 U.S.C. § 1415 for Manifestation Determination Reviews

Section 504: 29 U.S.C. § 794



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# MC's Top Issues: BID and Ed Placement

BID:  
 42 U.S.C. § 675(1)(G)(ii)  
 CCR 7.301.241

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# Educational Placement and Location

District Residency and Facility Schools placements (how to figure out and BID/SpEd)

LRE and Location: there is a difference

Child's Place of Residence	Status of Parental Rights	Location of Parent's Residence	Location of Foster Home	School Attended	FAPE Responsibility	Tuition Responsibility (Excess Costs)	IEP Team Meeting Responsibility	IEP Implementation Responsibility	Out of County/PAI Responsibility	Dis. Court Reporting Responsibility and PAI Codes	ECOA Funding Eligible Party	Transportation Responsibility
Foster Home	Irrelevant	Irrelevant	Trinidad	La Veta within SC BOCES	South Central BOCES	Dependent on the operating agreement with the BOCES.	South Central BOCES IEP team	SC BOCES	La Veta	SC BOCES (PAI 02, 03 or 08)	SC BOCES	Regular Transp Trinidad/Special transp. SC BOCES
	Irrelevant	Irrelevant	Adams 27J	Adams 12 DMH Program, placed by IEP team from Adams 27J	Adams 27J	Adams 27J	Adams 12 with invitation going to Adams 27J special ed director	Adams 12	Adams 12	Adams 12 (PAI 12) Adams 27J (-PAI 31)	Adams 12	Adams 27J
	Irrelevant	Irrelevant	Aurora	Approved Facility, School Day Treatment Program - Cherry Creek School District (CCSD)	Aurora - Where foster home is located	Aurora pays Tuition to the Day Treatment Facility	Aurora is responsible for convening IEP meeting with Facility school included	Facility School <sup>2</sup> if facility is unable to provide a service, AU of Residence is responsible.	Facility School	Aurora (PAI 22)	Aurora	Aurora

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## 22-33-105 (5) (a)-(c) Discipline/Changing Placement and Charges

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Colorado Dept of Ed State Complaint Final Decision: 2024:570

Here, District changed Student's educational placement from School to Online School in January 2024. (FF #s 20-35). The SCO finds and concludes that the decision to change Student's placement was made wholly outside of the IEP process. Upon receiving notice of Student's charges, District's IDT met and determined, based solely on the nature of the charges, that Student posed a safety risk and should be immediately removed from School and placed in Online School—there was no involvement by Parent, Student, or the IEP Team in making this determination. (FF #s 20-23). And because the determination was made based solely on the nature of the charges, District's placement decision was also made without considering the meaning of any evaluation data and the placement options. (FF #s 21-22). Further, the subsequent "Disability Planning Meeting" between Parent and members of the IEP Team did not constitute a properly convened IEP Team meeting. (FF # 32). Due to the lack of written documentation around Student's change of placement, including no PWN to Parent, it is not clear how, or to what extent, the January 17 meeting participants came to a determination that Student could receive a FAPE in Online School. (FF #s 26, 28-29). However, any role the IEP Team played in Student's change of placement was after District's initial determination to remove Student from School. (FF #s 20-25).

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## Educational Access and Detention

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Same Rights as if in public education setting.

- Transferrable credits/Diploma/GED
- 504
- Special Ed

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# Educational Advocacy/Consultation Support

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- Discipline Defense
- IEP/504 Advocacy
- MDRs
- BID Meetings
- State Complaints
- Office of Civil Rights (OCR) Complaints
- FERPA
- Truancy
- Mitigation Support
- More – just ask!

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## Questions? Thanks!

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