



# COLORADO DEPARTMENT OF EDUCATION

**EXCEPTIONAL STUDENT LEADERSHIP UNIT**  
1560 Broadway, Suite 1175 • Denver, Colorado 80202-5149  
303.866.6600 • 303.866.6694 • www.cde.state.co.us

**Robert K. Hammond**  
Commissioner of Education

**Diana Sirko, Ph.D.**  
Deputy Commissioner

**Keith Owen, Ph.D.**  
Associate Commissioner

## Memorandum

Date: September 1, 2011  
To: Special Education Directors  
From: Barbara Goldsby, Supervisor, Exceptional Student Leadership  
RE: State-Law Requirements that Exceed IDEA Requirements

34 CFR §300.199(a)(2) requires the Department to notify administrative units and state-operated programs of those state law requirements that are not required by the Individuals with Disabilities Education Act (IDEA) and its implementing regulations. The following is the list of State-imposed legal requirements that are not required by IDEA:

- 1) The following requirements of Colorado's Exceptional Children's Educational Act (Sec. 22-20-101, *et seq.*, C.R.S.) (ECEA) and/or its implementing rules (1 CCR 301-8, 2220-1.00, *et seq.*) establish factors for IEP team consideration and IEP content that are not required by the IDEA and its implementing regulations:
  - A. Depending on where the child is enrolled in school, a statement in the IEP specifying whether the child will achieve district, local or charter school institute standards, or whether the child will achieve individualized standards which would indicate that the child has met the requirements of his or her IEP. See, §22-20-108(4), C.R.S. and 1 CCR 301-8, 2220-R-4.03(6)(c).
  - B. For a child who is blind or visually impaired, the IEP team must consider specified factors and specify a literacy modality plan/learning media plan. See, §22-20-108(4.5)(a), C.R.S. and 1 CCR 301-8, 2220-R-4.03(6)(b).
  - C. For a child who is deaf or hard of hearing, the IEP team must consider specific factors and address the child's communication needs as appropriate in the child's IEP through a Communication Plan. See, §22-20-108(4.7), C.R.S. and 1 CCR 301-8, 2220-R-4.03(6)(a).
  - D. In lieu of 34 CFR §300.320(b), the IEP content requirement for transition services begins with the first IEP developed when the child is age 15, but no later than the end of 9<sup>th</sup> grade, or earlier if deemed appropriate by the IEP team. 1 CCR 301-8, 2220-R-4.03(6)(d)(i).

- 2) The initial IEP for a child must be developed within 90 calendar days of the date that parental consent was obtained to conduct the initial evaluation. 1 CCR 301-8, 2220-R-4.03(1)(d)(i).
- 3) Consistent with 34 CFR §300.321(a)(4), the special education director or designee is a required IEP member. The special education director or designee may not be excused from IEP team meetings. 1 CCR 301-8, 2220-R-4.03(5)(a).
- 4) Change in placement procedures established by 1 CCR 301-8, 2220-R-4.03(8).

If you have any questions regarding this memorandum, please contact Barbara Goldsby at (303) 866-6695 or at [Goldsby\\_b@cde.state.co.us](mailto:Goldsby_b@cde.state.co.us)

Cc: Ed Steinberg, Assistant Commissioner and State Director of Special Education  
Laura Freppel, Assistant Director, Exceptional Student Leadership