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Disability Law Colorado Secures Victory for Student Rights in Thompson School District

[Denver, CO | October 3, 2024] Disability Law Colorado (DLC) proudly announces a significant ruling from the Colorado Department of Education (CDE) in favor of a student in the Thompson School District, marking a pivotal moment for the rights of students with disabilities.

In June 2024, DLC attorney Emily Harvey filed a state-level complaint with CDE after a student was removed from school and placed in online programming due to unsubstantiated charges. The charges were later dropped; however, the student was denied due process and did not receive the appropriate educational support required by his Individualized Education Program (IEP). Despite requests for assistance from the student’s mother, the district failed to provide the necessary support, resulting in the student losing nearly half a year of academic progress.

In a ruling delivered two months later, CDE found the Thompson School District in violation of federal and state law, stating that the district improperly determined the student’s educational placement without involving his mother or IEP team. This decision compels the district to hold an IEP meeting to evaluate whether online classes are suitable for students with disabilities and to ensure they receive the necessary support for success.

“CDE’s ruling represents a significant step forward for students with disabilities,” said Emily Harvey. “It emphasizes the importance of due process and the need for schools to adhere to federal and state laws regarding educational placements, school discipline procedures, and support for disabled students.”

This landmark decision not only provides compensatory services for the student, allowing him to catch up academically, but it also acknowledges as incorrect a previous ruling from 2015 that had denied similar protections. “It took nine years, but CDE finally acknowledged the rights of disabled students in the context of school removals not labeled formally as suspension or expulsion,” Harvey added.

DLC encourages school districts statewide to reevaluate their disciplinary policies and practices to ensure compliance with federal and state laws, thereby protecting the rights of all students. For further information, contact Felix Ortiz at 720-202-9871 or fortiz@DisabilityLawCO.org.

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About Disability Law Colorado: Disability Law Colorado is the Protection & Advocacy System for Colorado. We work to protect disability rights and improve the human, civil, and legal rights of Coloradans through legal representation, advocacy, and education.

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