

**Instruction**

**Procedural Safeguards and Complaints for Special Education**

**Procedural Safeguards**

~~The Board of Education desires to protect the rights of students with disabilities in accordance with the procedural safeguards set forth in state and federal law. Parents/guardians shall receive written notice of their rights in accordance with law, Board policy, and administrative regulation.~~

The Governing Board recognizes its obligation to provide a free appropriate public education (FAPE) to students with disabilities and to uphold the rights of parents/guardians to be involved in educational decisions regarding their child. Parents/guardians of students with disabilities shall receive written notice of their rights under the federal Individuals with Disabilities Education Act.

Whenever there is a dispute between the district and the parent/guardian of a student with disabilities regarding the identification, assessment, or educational placement of the student or the provision of FAPE to the student, the Superintendent or designee shall encourage the early, informal resolution of the dispute at the school level to the extent possible. The district or parent/guardian may also request mediation and/or a due process hearing in accordance with law, Board policy, and administrative regulation.

The Superintendent or designee shall represent the district in any due process hearings conducted with regard to district students and shall provide the Board with the results of these hearings.

**Complaints**

~~The Superintendent or designee shall address a complaint concerning compliance with state or federal law regarding special education shall be addressed in accordance with the district's uniform complaint procedures.~~

Any complaint alleging the district's noncompliance with federal or state laws or regulations related to the provision of a free appropriate public education to students with disabilities shall be filed in accordance with 5 CCR 3200-3205.

Legal References:    Education Code  
                          56000 Education for individuals with disabilities  
                          56001 Provision of the special education programs  
                          56020-56035 Definitions  
                          56195.7 Written agreements

56221 56195.8 Adoption of policies for programs and services  
56240-56244 Staff development  
56300-563815 Identification and referral, assessment, instructional planning, implementation, and review  
**Ed. Code 56360-56369 Implementation of special education**  
56440-56449 Programs for individuals between the ages of three and five years  
56500-56507 9 Procedural safeguards, including due process  
56600-56606 Evaluation, audits and information  
Code of Regulations, Title 5  
3000-3100 - Regulations governing special education (in general)  
**3080-3089 - Procedural safeguards**  
**3200-3205 - Special education compliance complaints**  
~~4600-4671 - Uniform complaint procedures~~  
United States Code, Title 20  
1232g Family Educational Rights and Privacy Act of 1974  
1400 et. seq. Individuals with Disabilities Education Act  
United States Code, Title 29  
794 - Section 504 of the Rehabilitation Act  
United States Code, Title 42  
11434 - Homeless assistance  
Code of Federal Regulations, Title 34  
99.10-99.22 Inspection, review and procedures for amending education records  
104.36 - Procedural safeguards  
300.1-300.818 - Assistance to states for the education of students with disabilities, especially:  
300.500-300. Procedural safeguards and due process for parents and students  
Court Decisions  
Winkelman v. Parma City School District, (2007) 550 U.S. 516

#### Management Resources:

##### Federal Register

Final Regulations, December 1, 2008, Vol. 73, No. 231, pages 73006-73029

##### Web Sites

California Department of Education, Special Education:

<http://www.cde.ca.gov/sp/se>

U.S. Department of Education, Office of Special Education

Programs: <http://www.ed.gov/about/offices/list/osers/osep>

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5145.6 - Notifications Required by Law)

(cf. 6159 - Individualized Education Program)

(cf. 6159.2 - Nonpublic Nonsectarian School and Agency Services for Special Education Students)

(cf. 6159.3 - Appointment of Surrogate Parent for Special Education)

Students)

(cf. 6159.4 – Behavioral Interventions for Special Education

Students)

(cf. 6164.4 – Identification and Evaluation of Individuals for Special Education)

Policy

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