Procedural Safeguards And Complaints For Special Education

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.

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 5145.6 - Parental Notifications)
(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)

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 hearing conducted with regard to district students and shall inform the Board about the result of the hearing.

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 Reference:

EDUCATION CODE
56000  Education for individuals with disabilities
56001  Provision of the special education programs
56020-56035  Definitions
56195.7  Written agreements
56195.8  Adoption of policies for programs and services
56300-56385  Identification and referral, assessment
56440-56447.1  Programs for individuals between the ages of three and five years
56500-56509  Procedural safeguards, including due process rights
56600-56606  Evaluation, audits and information

CODE OF REGULATIONS, TITLE 5
3000-3100  Regulations governing special education, especially:
3080-3089  Procedural safeguards
3200-3205  Special education compliance complaints

UNITED STATES CODE, TITLE 20
1232g  Family Educational Rights and Privacy Act
1400-1482  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:
300.150-300.153  State compliance complaints
300.500-300.520  Procedural safeguards and due process for parents and students
COURT DECISIONS

Management Resources:
WEB SITES
California Department of Education, Special Education:  http://www.cde.ca.gov/sp/se
Office of Administrative Hearings, Special Education Division:
http://www.dgs.ca.gov/OAH/Case-Types/Special-Education
U.S. Department of Education, Office of Special Education Programs:  http://www.ed.gov/about/offices/list/osers/osep