

Instruction

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION

BP 6159.1

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)

(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)

The Governing Board of the District values the use of informal resolution to address concerns between families and the District. 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. If the dispute continues, the Superintendent or designee shall encourage the use of an alternative dispute resolution ("ADR") meeting with the family and the special educational administrator. 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 with the California Department of Education 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

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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
Winkelman v. Parma City School District, (2007) 550 U.S. 516

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>

Policy

PASADENA UNIFIED SCHOOL DISTRICT

Adopted: January 23, 1996

Pasadena, California

Revised: October 11, 2011; April 23, 2020; August 25, 2022