



INSTRUCTION

BOARD POLICY – PROCEDURAL SAFEGUARDS AND COMPLAINTS BP 6159.1 **FOR SPECIAL EDUCATION**

The County Board of Education (County Board) and County Superintendent of Schools (County Superintendent) recognize their 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 Santa Barbara County Education Office (SBCEO) 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 County Superintendent or designee shall encourage the early, informal resolution of the dispute at the school level to the extent possible. SBCEO or parent/guardian may also request mediation and/or a due process hearing in accordance with law, Board policy, and administrative regulation.

The SBCEO Program Manager or designee shall represent SBCEO in any due process hearing conducted with regard to the students and shall inform the County Superintendent about the result of the hearing.

Any complaint alleging SBCEO'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.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Federal	Description
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1400-1482	Individuals with Disabilities Education Act
29 USC 794	Rehabilitation Act of 1973, Section 504
34 CFR 104.36	Procedural safeguards
34 CFR 300.1-300.818	Assistance to states for the education of students with disabilities
34 CFR 300.500-300.520	Procedural safeguards and due process for parents and students
34 CFR 99.10-99.22	Inspection, review and procedures for amending education records
42 USC 11434	Homeless assistance
Management Resources	Description
Court Decision	Winkelman v. Parma City School District, (2007) 550 U.S. 516

Federal Register	Final Regulations, December 1, 2008, Vol. 73, No. 231, pages 73006-73029
Website	U.S. Department of Education, Office of Special Education Programs
Website	California Department of Education, Special Education
State	Description
5 CCR 3000-3100	Regulations governing special education
5 CCR 4600-4670	Uniform complaint procedures
Ed. Code 56000	Special education; legislative findings and declarations
Ed. Code 56001	Provision of the special education programs
Ed. Code 56020-56035	Definitions
Ed. Code 56195.7	Written agreements
Ed. Code 56195.8	Adoption of policies
Ed. Code 56300-56385	Identification and referral, assessment
Ed. Code 56360-56369	Implementation of special education
Ed. Code 56440-56447.1	Programs for individuals between the ages of three and five years
Ed. Code 56500-56509	Procedural safeguards
Ed. Code 56600-56606	Evaluation, audits and information

ADOPTED BY COUNTY BOARD: February 8, 2024