Procedural Safeguards and Complaints for Special Education

Adopted: 05/20/1997 **| Last Revised**: 08/20/2024 **| Last Reviewed**: 08/20/2024

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 rule.

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.

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.

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 Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Legal References:

STATE

CALIFORNIA CODE OF REGULATIONS

5 CCR 3000-3100 Regulations governing special education
5 CCR 3080-3089 Procedural safeguards
5 CCR 3200-3205 Special education compliance complaints

EDUCATION CODE

56000 Special education; legislative findings and declarations
56001 Provision of the special education programs
56020-56035 Definitions
56195.7 Written agreements
56195.8 Adoption of policies
56300-56385 Identification and referral; assessment, instructional planning
56360-56369 Implementation of special education
56440-56447.1 Programs for individuals between the ages of three and five years
56500-56509 Procedural safeguards
56600-56606 Evaluation, audits and information

FEDERAL

UNITED STATES CODES

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

42 USC 11434 Homeless assistance
CODE OF FEDERAL REGULATIONS
34 CFR 104.36 Procedural safeguards
34 CFR 300.1-300.818 Assistance to states for the education of students with disabilities
34 CFR 300.150-300.153 State compliance complaints
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

MANAGEMENT RESOURCES

COURT DECISION
Winkelman v. Parma City School District (2007) 550 U.S. 516
WEBSITES
CSBA District and County Office of Education Legal Services https://legalservices.csba.org/#
Office of Administrative Hearings, Special Education Division
https://www.dgs.ca.gov/OAH/Case-Types/Special-Education
California Department of Education, Special Education http://www.cde.ca.gov/sp/se
U.S. Department of Education, Office of Special Education Programs
http://www2.ed.gov/about/offices/list/osers/osep

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