

**Policy 6159.1 Procedural Safeguards and Complaints for Special Education  
Status: ADOPTED**

**Original Adopted Date:** 09/1992

**Last Revised Date:** 08/28/2024

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 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.

09/1992  
06/1998  
12/9/1998  
11/2006  
05/09/2007  
07/24/2019  
08/28/2024

**Policy Reference Disclaimers**

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.

**State**

5 CCR 3000-3100

5 CCR 3080-3089

**Description**

Regulations governing special education

Procedural safeguards

5 CCR 3200-3205  
Ed. Code 56000  
Ed. Code 56001  
Ed. Code 56020-56035  
Ed. Code 56195.7  
Ed. Code 56195.8  
Ed. Code 56300-56385

Ed. Code 56360-56369  
Ed. Code 56440-56447.1

Ed. Code 56500-56509  
Ed. Code 56600-56606

### **Federal**

20 USC 1232g  
20 USC 1400-1482  
29 USC 794  
34 CFR 104.36  
34 CFR 300.1-300.818

34 CFR 300.150-300.153  
34 CFR 300.500-300.520

34 CFR 99.10-99.22

42 USC 11434

### **Management Resources**

Court Decision

Website  
Website

Website  
Website

Special education compliance complaints  
[Special education; legislative findings and declarations](#)  
[Provision of the special education programs](#)  
[Definitions](#)  
[Written agreements](#)  
[Adoption of policies](#)  
[Identification and referral; assessment, instructional planning](#)  
[Implementation of special education](#)  
[Programs for individuals between the ages of three and five years](#)  
[Procedural safeguards](#)  
[Evaluation, audits and information](#)

### **Description**

Family Educational Rights and Privacy Act (FERPA) of 1974  
Individuals with Disabilities Education Act  
Rehabilitation Act of 1973; Section 504  
Procedural safeguards  
Assistance to states for the education of students with disabilities  
State compliance complaints  
Procedural safeguards and due process for parents and students  
Inspection, review and procedures for amending education records  
Homeless assistance

### **Description**

Winkelman v. Parma City School District (2007) 550 U.S. 516  
[CSBA District and County Office of Education Legal Services](#)  
[Office of Administrative Hearings, Special Education Division](#)  
[California Department of Education, Special Education](#)  
[U.S. Department of Education, Office of Special Education Programs](#)

## **Cross References**

### **Code**

0430  
0430  
1312.3  
1312.3  
1312.3-E(1)  
1312.3-E(2)  
3523  
3523  
5125  
5125  
5144.2  
  
5145.6  
5145.6-E(1)

### **Description**

[Comprehensive Local Plan For Special Education](#)  
[Comprehensive Local Plan For Special Education](#)  
[Uniform Complaint Procedures](#)  
[Uniform Complaint Procedures](#)  
[Uniform Complaint Procedures](#)  
[Uniform Complaint Procedures](#)  
[Electronic Signatures](#)  
[Electronic Signatures](#)  
[Student Records](#)  
[Student Records](#)  
[Suspension And Expulsion/Due Process \(Students With Disabilities\)](#)  
[Parent/Guardian Notifications](#)  
[Parent/Guardian Notifications](#)

6146.4	<a href="#"><u>Differential Graduation And Competency Standards For Students With Disabilities</u></a>
6159	<a href="#"><u>Individualized Education Program</u></a>
6159	<a href="#"><u>Individualized Education Program</u></a>
6159.2	<a href="#"><u>Nonpublic, Nonsectarian School And Agency Services For Special Education</u></a>
6159.2	<a href="#"><u>Nonpublic, Nonsectarian School And Agency Services For Special Education</u></a>
6159.3	<a href="#"><u>Appointment Of Surrogate Parent For Special Education Students</u></a>
6159.3	<a href="#"><u>Appointment Of Surrogate Parent For Special Education Students</u></a>
6159.4	<a href="#"><u>Behavioral Interventions For Special Education Students</u></a>
6164.4	<a href="#"><u>Identification And Evaluation Of Individuals For Special Education</u></a>
6164.4	<a href="#"><u>Identification And Evaluation Of Individuals For Special Education</u></a>
6164.41	<a href="#"><u>Children With Disabilities Enrolled By Their Parents In Private School</u></a>
6164.41	<a href="#"><u>Children With Disabilities Enrolled By Their Parents In Private School</u></a>
6164.6	<a href="#"><u>Identification And Education Under Section 504</u></a>
6164.6	<a href="#"><u>Identification And Education Under Section 504</u></a>
6173	<a href="#"><u>Education For Homeless Children</u></a>
6173	<a href="#"><u>Education For Homeless Children</u></a>
6173-E(1)	<a href="#"><u>Education For Homeless Children</u></a>
6173-E(2)	<a href="#"><u>Education For Homeless Children</u></a>
9000	<a href="#"><u>Role Of The Board</u></a>
9200	<a href="#"><u>Limits Of Board Member Authority</u></a>