

INSTRUCTIONProcedural Safeguards and Complaints for Special Education

## Procedural Safeguards/Due Process Hearings

The Governing Board desires to protect the rights of students with disabilities in accordance with the procedural safeguards set forth in federal and state law. Parents/guardians shall receive written notice of their rights in accordance with law, Board policy, and administrative regulation.

*(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)*

The Superintendent or designee shall represent the district in any due process hearings conducted with regard to district students and shall inform the Board the results of the hearings. The Superintendent or designee shall address a complaint concerning compliance with state or federal law regarding special education in accordance with the district's uniform complaint procedures.

*(cf. 1312.3 - Uniform Complaint Procedures)*

*Legal Reference:**EDUCATION CODE*

*56000 Education for individuals with exceptional needs*

*56001 Provision of the special education programs*

*56020-56035 Definitions*

*56195.7 Written agreements*

*56195.8 Adoption of policies for programs and services*

*56300-563815 Identification and referral, assessment, instructional planning, implementation, and review*

*56440-56447.1 Programs for individuals between the ages of three and five years*

*56500-565079 Procedural safeguards, including due process rights*

*56600-56606 Evaluation, audits and information*

*CODE OF REGULATIONS, TITLE 5*

*3000-~~3089~~3100 Regulations governing special education*

*4600-4671 Uniform complaint procedures*

*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:*

*300.500-300.517 Due process procedures for parents and children*

*COURT DECISIONS*

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

*Management Resources:*

*FEDERAL REGISTER*

*Final Regulations, December 1, 2008, Vol. 73, No. 231, pages 73006 – 73029*

*WEB SITES*

*California Department of Education: <http://www.cde.ca.gov>*

*US Department of Education, Office of Special Education Programs:*

*<http://www.ed.gov/about/offices/osers/osep>*

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