

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION

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 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 of Individuals for Special Education)

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 hearings conducted with regard to District students and shall provide the Board of Trustees 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.

Legal Reference:

EDUCATION CODE

[56000](#) Education for individuals with disabilities

[56001](#) Provision of the special education programs

[56020-56035](#) Definitions

[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

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION

CODE OF REGULATIONS, TITLE 5

[3000-3100](#) Regulations governing special education

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>

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