

**Policy 6159.1: Procedural Safeguards And Complaints For Special Education**

Status: ADOPTED

Original Adopted Date: 06/01/1998 | Last Revised Date: 07/01/2020 | Last Reviewed Date: 07/01/2020

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.

**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.

<b>State</b>	<b>Description</b>
5 CCR 3000-3100	Regulations governing special education
5 CCR 3080-3089	<a href="#"><u>Procedural safeguards</u></a>
5 CCR 3200-3205	<a href="#"><u>Special education compliance complaints</u></a>
Ed. Code 56000	<a href="#"><u>Special education; legislative findings and declarations</u></a>
Ed. Code 56001	<a href="#"><u>Provision of the special education programs</u></a>
Ed. Code 56020-56035	<a href="#"><u>Definitions</u></a>
Ed. Code 56195.7	<a href="#"><u>Written agreements</u></a>
Ed. Code 56195.8	<a href="#"><u>Adoption of policies</u></a>
Ed. Code 56300-56385	<a href="#"><u>Identification and referral; assessment, instructional planning</u></a>

Ed. Code 56360-56369	<a href="#">Implementation of special education</a>
Ed. Code 56440-56447.1	<a href="#">Programs for individuals between the ages of three and five years</a>
Ed. Code 56500-56509	<a href="#">Procedural safeguards</a>
Ed. Code 56600-56606	<a href="#">Evaluation, audits and information</a>
<b>Federal</b>	<b>Description</b>
20 USC 1232g	<a href="#">Family Educational Rights and Privacy Act (FERPA) of 1974</a>
20 USC 1400-1482	<a href="#">Individuals with Disabilities Education Act</a>
29 USC 794	<a href="#">Rehabilitation Act of 1973; Section 504</a>
34 CFR 104.36	<a href="#">Procedural safeguards</a>
34 CFR 300.1-300.818	<a href="#">Assistance to states for the education of students with disabilities</a>
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
42 USC 11434	<a href="#">Homeless assistance</a>
<b>Management Resources</b>	<b>Description</b>
Court Decision	Winkelman v. Parma City School District (2007) 550 U.S. 516
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">Office of Administrative Hearings, Special Education Division</a>
Website	<a href="#">California Department of Education, Special Education</a>
Website	<a href="#">U.S. Department of Education, Office of Special Education Programs</a>

### Cross References

<b>Code</b>	<b>Description</b>
0430	<a href="#">Comprehensive Local Plan For Special Education</a>
0430	<a href="#">Comprehensive Local Plan For Special Education</a>

1312.3	<a href="#"><u>Uniform Complaint Procedures</u></a>
1312.3	<a href="#"><u>Uniform Complaint Procedures</u></a>
1312.3-E(1)	<a href="#"><u>Uniform Complaint Procedures</u></a>
1312.3-E(2)	<a href="#"><u>Uniform Complaint Procedures</u></a>
3523	<a href="#"><u>Electronic Signatures</u></a>
3523	<a href="#"><u>Electronic Signatures</u></a>
5125	<a href="#"><u>Student Records</u></a>
5125	<a href="#"><u>Student Records</u></a>
5144.2	<a href="#"><u>Suspension And Expulsion/Due Process (Students With Disabilities)</u></a>
5145.6	<a href="#"><u>Parent/Guardian Notifications</u></a>
5145.6-E(1)	<a href="#"><u>Parent/Guardian Notifications</u></a>
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>