Instruction

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION

In order to protect the rights of students with disabilities and their parents/guardians, the District shall follow all procedural safeguards as set forth in law.

Parents/guardians shall receive written notice of their rights, including the right to a due process hearing for any dispute related to the identification, assessment, or educational placement of a child or the provision of a free, appropriate public education for the child.

Pursuant to 20 USC 1415(b)(2), districts and/or Special Education Local Plan Areas (SELPAs) are mandated to adopt procedures to protect the rights of students whenever:

1. The parents of the child are not known.
2. The District cannot, after reasonable efforts, locate the parents.
3. The child is a ward of the State.

When the child is a ward of the state, the district’s procedure must also include the assignment of an individual to act as a surrogate for the parents. This assigned individual cannot be an employee of the CDE, District, or any other agency that is involved in the education and care of the child. (20 USC 1415(b)(2))

(cf. 6159 - Individualized Education Program)

The Superintendent or designee shall represent the District in any due process hearings conducted with regard to District students and shall provide the Governing Board with the results of these hearings.

Complaints for Special Education

Complaints concerning compliance with state or federal law regarding Special Education shall be addressed in accordance with the District’s uniform complaint procedures.

(cf. 1312.3 - Uniform Complaint Procedure)
Instruction

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

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
56300-56381  Identification and referral, assessment, instructional
planning, implementation, and review
56440-56447.1  Programs for individuals between the ages of three and
five years
56500-56507  Procedural safeguards, including due process rights
56600-56606  Evaluation, audits, and information
CODE OF REGULATIONS, TITLE 5
3000-3089  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 as amended by P.L. 108-446
UNITED STATES CODE, TITLE 29
794  Section 504 of the Rehabilitation Act
CODE OF FEDERAL REGULATIONS, TITLE 34
99.10-99.22  Inspection, review of procedures for amending education
records
104.36  Procedural safeguards
300.500-300.517  Due process procedures for parents and children

Management Resources:

WEB SITES
CDE:  http://www.cde.ca.gov

Policy
Adopted:  3/28/00

CHULA VISTA ELEMENTARY SCHOOL DISTRICT
Chula Vista, California