

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 (SELPA) 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>