

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION

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

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 (IDEA).

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 District will 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~~ A District representative must 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 law or regulations related to the provision of a free appropriate public education FAPE to students with disabilities shall be filed in accordance with Title 5 C.C.R 3200-3205.

- (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 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

Education for individuals with disabilities
Provision of the special education programs

-56035 Definitions

Written agreements

Adoption of policies for programs and services

-56385 Identification and referral, assessment

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

-56509 Procedural safeguards, including due process rights

-56606 Evaluation, audits and information

CODE OF REGULATIONS, TITLE 5

-3100 Regulations governing special education

~~-3080-3089 Procedural Safeguards~~

~~-3200-3205 Special education compliance complaints~~

~~-4671 Uniform complaint procedures~~

UNITED STATES CODE, TITLE 20

g Family Educational Rights and Privacy Act

-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

Section 504 of the Rehabilitation Act

UNITED STATES CODE, TITLE 42

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:

~~FEDERAL REGISTER~~

~~Final Regulations, December 1, 2008, Vol. 73, No. 231, pages 73006-73029~~

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/SpecialEducation)

<https://www.dgs.ca.gov/OAH/Case-Types/SpecialEducation>

U.S. Department of Education, Office of Special Education Programs:

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

PERRIS UNION HIGH SCHOOL DISTRICT
Perris, California

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