

Instruction

Board Policy No. 6159.1

Policy Adopted: June 17, 2010

Policy Reviewed: February 8, 2024

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.

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.

State Code

5 CCR 3000-3100 Regulations governing special education

5 CCR 3080-3089 Procedural safeguards

5 CCR 3200-3205 Special education compliance complaints

Education Code

Ed. Code 56000 Special education; legislative findings and declarations

Ed. Code 56001 Provision of the special education programs

Ed. Code 56020-56035 Definitions

Ed. Code 56195.7 Written agreements

Ed. Code 56195.8 Adoption of policies

Ed. Code 56300-56385 Identification and referral; assessment, instructional planning

Ed. Code 56360-56369 Implementation of special education

Ed. Code 56440-56447.1 Programs for individuals between the ages of three and five years

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Ed. Code 56500-56509 Procedural safeguards

Ed. Code 56600-56606 Evaluation, audits and information

Federal Code

20 USC 1232g Family Educational Rights and Privacy Act (FERPA) of 1974

20 USC 1400-1482 Individuals with Disabilities Education Act

29 USC 794 Rehabilitation Act of 1973; Section 504

34 CFR 104.36 Procedural safeguards

34 CFR 300.1-300.818 Assistance to states for the education of students with disabilities

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 Homeless assistance

Management Resources

Court Decision Winkelman v. Parma City School District, (2007) 550 U.S. 516

Website CSBA District and County Office of Education Legal Services

Website Office of Administrative Hearings, Special Education Division

Website California Department of Education, Special Education

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

Cross References

0430 COMPREHENSIVE LOCAL PLAN FOR SPECIAL EDUCATION

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0470 COVID-19 MITIGATION PLAN

1312.3 UNIFORM COMPLAINT PROCEDURES

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1312.3-E(1) UNIFORM COMPLAINT PROCEDURES

1312.3-E(2) UNIFORM COMPLAINT PROCEDURES

3523 ELECTRONIC SIGNATURES

3523 ELECTRONIC SIGNATURES

5125 STUDENT RECORDS

5125 STUDENT RECORDS

5144.2 SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES)

5145.6 PARENT/GUARDIAN NOTIFICATIONS

5145.6-E(1) PARENT/GUARDIAN NOTIFICATIONS

6146.4 DIFFERENTIAL GRADUATION AND COMPETENCY STANDARDS FOR STUDENTS WITH DISABILITIES

6159 INDIVIDUALIZED EDUCATION PROGRAM

6159 INDIVIDUALIZED EDUCATION PROGRAM

6159.2 NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION

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6159.2 NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION

6159.3 APPOINTMENT OF SURROGATE PARENT FOR SPECIAL EDUCATION STUDENTS

6159.3 APPOINTMENT OF SURROGATE PARENT FOR SPECIAL EDUCATION STUDENTS

6159.4 BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS

6164.4 IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION

6164.4 IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION

6164.41 CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS IN PRIVATE SCHOOL

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6164.6 IDENTIFICATION AND EDUCATION UNDER SECTION 504

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6173 EDUCATION FOR HOMELESS CHILDREN

6173 EDUCATION FOR HOMELESS CHILDREN

6173-E(1) EDUCATION FOR HOMELESS CHILDREN

6173-E(2) EDUCATION FOR HOMELESS CHILDREN

9000 ROLE OF THE BOARD

9200 LIMITS OF BOARD MEMBER AUTHORITY