

Policy 6159.1: Procedural Safeguards And Complaints For Special Education

Status: ADOPTED

Original Adopted Date: 06/01/1998 | **Last Revised Date:** 08/01/2026 | **Last Reviewed Date:** 08/01/2026

CSBA NOTE: The following mandated policy reflects the federal Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482), implementing federal regulations (34 CFR 300.1-300.818), and conforming state legislation. In cases where state law provides greater protections to students, state law supersedes federal law.

Education Code 56195.8 and 20 USC 1415 mandate all entities providing special education to adopt policy on procedural safeguards, and Education Code 56500.1 requires entities providing special education to establish and maintain all procedural safeguards granted by federal law. For California law related to due process rights and due process hearing rights and procedures, see Education Code 56501-56509 and 5 CCR 3082. For federal due process procedure requirements, see 34 CFR 300.500-300.520.

Pursuant to Education Code 56301, as amended by SB 373 (Ch. 579, Statutes of 2025), students are required to be given a copy of their rights and procedural safeguards in accordance with 20 USC 1415 and 34 CFR 300.504.

This policy and accompanying administrative regulation should be revised for consistency with the policy and regulations of the Special Education Local Plan Area in which the district participates.

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. Students with disabilities and the parents/guardians of such students 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. Additionally, the district or parent/guardian may request mediation and/or a due process hearing in accordance with law, Board policy, and administrative regulation.

CSBA NOTE: Education Code 56195.8 authorizes the Governing Board to adopt policy for the involvement of Board members in any due process hearing procedure activities. However, a best practice is to designate the Superintendent or designee to serve as the district representative at the hearing. The following optional paragraph may be revised to reflect district practice.

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.

CSBA NOTE: 5 CCR 3200-3205 requires complaints alleging a violation of federal or state law or regulation related to the provision of a free appropriate public education to students with disabilities to be submitted to the California Department of Education rather than being addressed through the district's uniform complaint procedures as described in BP/AR 1312.3 - Uniform Complaint Procedures. For further information regarding state compliance complaints, see the accompanying administrative regulation.

A 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.

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Status: ADOPTED

Original Adopted Date: 05/24/2017 | **Last Revised Date:** 10/28/2020 | **Last Reviewed Date:** 10/28/2020

The Board of Education 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.
