

~~Santa Rosa City Schools~~

CSBA Sample

Board Policy

Procedural Safeguards And Complaints For Special Education

BP 6159.1

Instruction

~~The Governing Board of Education desires recognizes its obligation to protect the rights of provide a free appropriate public education (FAPE) to students with disabilities in accordance with the procedural safeguards set forth in state and federal law 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 in accordance under the federal Individuals with law, Board policy, and administrative regulation. Disabilities Education Act.~~

(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)

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.

~~The Superintendent or designee shall address a-~~

~~Any complaint concerning compliance alleging the district's noncompliance with federal or state laws or federal law regarding special regulations related to the provision of a free appropriate public education to students with disabilities shall be filed in accordance with the district's uniform complaint procedures~~ 5 CCR 3200-3205.

~~(cf. 1312.3—Uniform Complaint Procedures)~~

Legal Reference:

EDUCATION CODE

56000 Education for individuals with disabilities

56001 Provision of the special education programs

56020-56035 Definitions

56195.7 Written agreements

56195.8 Adoption of policies for programs and services

56300-56385 Identification and referral, assessment

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

56500-56509 Procedural safeguards, including due process rights

56600-56606 Evaluation, audits and information

CODE OF REGULATIONS, TITLE 5

3000-3100 Regulations governing special education, especially:

~~4600-4671—Uniform complaint procedures~~

3080-3089 Procedural safeguards

3200-3205 Special education compliance complaints

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act

UNITED STATES CODE, TITLE 42

11434 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/Special-Education>

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

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

~~Policy SANTA ROSA CITY SCHOOLS~~

~~adopted: May 24, 2017 Santa Rosa, California (11/06 3/09) 7/20~~