

**Instruction**

**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.

(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 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 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**

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

4600-4671 Uniform complaint procedures

**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:  
300.500-300.520 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>  
U.S. Department of Education, Office of Special Education Programs:  
<http://www.ed.gov/about/offices/list/osers/osep>

Policy adopted: **April 10, 2012**

**FRUITVALE SCHOOL DISTRICT**, Bakersfield, CA