

Instruction

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.

Legal Reference: Education Code, Sections 56000; 56001; 56020-56035; 56195.7; 56195.8; 56300-56385; 56440-56447.1; 56500-56509; 56600-56606A  
Code of Regulations, Title 5, Sections 3000-3100; 3080-3089; 3200-3205  
United States Code, Title 20, Sections 1232g; 1400-1482  
United States Code, Title 29, Sections 794 Section 504 of the Rehabilitation Act  
United States Code, Title 42, Section 11434  
Code of Federal Regulations, Title 34, Section 99.10-99.22; 104.36; 300.1-300.818; 300.150-300.153; 300.500-300.520  
Court Decisions:  
Winkelman v. Parma City School District, (2007) 550 U.S. 516

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