

INSTRUCTION

SUBJECT: Procedural Safeguards and Complaints for Special Education

The County Board of Education and County Superintendent of Schools desire 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, County Office of Education 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 County Superintendent or designee shall represent the County Office of Education in any due process hearing conducted with regard to district students and shall inform the Board about the result of the hearing.

The County Superintendent or designee shall address a complaint concerning compliance with state or federal law regarding special education in accordance with the County Office of Education'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>