

## **Instruction**

### **PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**

**BP 6159.1**

The Governing Board commits to protecting 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*

*4600-4670 - Uniform complaint procedures*

##### UNITED STATES CODE, TITLE 20

*1232g - Family Educational Rights and Privacy Act*

*1400-1482 - Individuals with Disabilities Education Act*

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### **PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**

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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:** January 23, 1996

**Revised:** October 11, 2011; April 23, 2020

## **PASADENA UNIFIED SCHOOL DISTRICT**

Pasadena, California