

## **PROCEDURAL SAFEGUARDS**

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It shall be the policy of each member LEA that children with disabilities and their parents shall be afforded all procedural safeguards according to state and federal laws and regulations.

In order to protect the rights of students with disabilities, each member district shall follow all procedural safeguards as required by law. Parents/guardians shall receive written notice of their rights in accordance with law, Board Policy, and Administrative Regulation.

The LEA Superintendent or designee shall represent the district in any due process hearing conducted with regard to that district's students and shall inform their governing board about the results of the hearing.

### ***Complaints for Special Education***

A due process complaint is regarding the provision of FAPE and may only be filed by a parent, student, or LEA. The due process complaint is different from those complaints alleging a violation of state or federal law and that can be filed by anyone. Due process complaint procedures are described in detail in the accompanying administrative regulation. Complaints concerning compliance with state or federal law regarding special education shall be addressed in accordance with the district's uniform complaint procedures.

#### **Legal Reference:**

##### **EDUCATION CODE**

56000 Education for individuals with exceptional needs

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

**Management Resources:**

**FEDERAL REGISTER**

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

**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/osep>