

## 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

5 CCR 3000-3100 *Regulations governing special education*

5 CCR 3080-3089 *Procedural safeguards*

5 CCR 3200-3205 *Special education compliance complaints*

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*

#### FEDERAL

20 USC 1232g *Family Educational Rights and Privacy Act (FERPA) of 1974*

20 USC 1400-1482 *Individuals with Disabilities Education Act*

29 USC 794 *Rehabilitation Act of 1973; Section 504*

34 CFR 104.36 *Procedural safeguards*

34 CFR 300.1-300.818 *Assistance to states for the education of students with disabilities*

34 CFR 300.150-300.153 *State compliance complaints*

34 CFR 300.500-300.520 *Procedural safeguards and due process for parents and students*

34 CFR 99.10-99.22 *Inspection, review and procedures for amending education records*

42 USC 11434 *Homeless assistance*

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**SANTEE SCHOOL DISTRICT**

Santee, California