**Instruction** BP 6159.1(a)

**PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**

The Governing Board desires ~~In order~~ to protect the rights of students with disabilities~~, the district shall follow all~~ in accordance with the procedural safeguards ~~as~~ 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 of Education about the result of the hearing.

**~~Complaints for Special Education~~**

The Superintendent or designee shall address a complaint ~~Complaints~~ concerning compliance with state or federal law regarding special education ~~shall be addressed~~ in accordance with the district's uniform complaint procedures.

*(cf. 1312.3 - Uniform Complaint Procedures)*

*Legal Reference (see next page):*

 BP 6159.1(b)

**PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION** (continued)

*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~~4670 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*

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

*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*](http://www.ed.gov/about/offices/list/osers/osep)

Policy **SAN RAFAEL CITY SCHOOL DISTRICT**

adopted: December 8, 2008 San Rafael, California