

LODI UNIFIED SCHOOL DISTRICT

Policy 6159.1

Instruction

Procedural Safeguards and Complaints for Special Education

Procedural Safeguards

The Board of Education desires 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, Board policy, and administrative regulation.

The Superintendent or designee shall represent the district in any due process hearings conducted with regard to district students and shall provide the Board with the results of these hearings.

Complaints

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

Legal References: Education Code
56000 Education for individuals with disabilities
56001 Provision of the special education programs
56020-56035 Definitions
56195.7 Written agreements
56221 Adoption of policies for programs and services
56240-56244 Staff development
56300-56381 Identification and referral, assessment, instructional planning, implementation, and review
56440-56449 Programs for individuals between the ages of three and five years
56500-56507 Procedural safeguards, including due process rights
56600-56606 Evaluation, audits and information
Code of Regulations, Title 5
3000-3100 - Regulations governing special education (in general)
4600-4671- Uniform complaint procedures
United States Code, Title 20
1232g Family Educational Rights and Privacy Act of 1974
1400 et. seq. 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. 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>

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5145.6 - Notifications Required by Law)

(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)

Policy

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