

**CLOVIS UNIFIED
SCHOOL DISTRICT****INSTRUCTION**

Alternative/Specialized Programs

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION

PURPOSE: To establish and maintain procedural safeguards for special education under the Individuals with Disabilities Education Improvement Act in accordance with applicable laws.

The 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 a 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 compliance 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 under the Individuals with Disabilities Education Improvement Act shall be filed in accordance with Title 5 of the California Code of Regulations sections 3200-3205.

Adopted: 11/18/2020

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, eligibility, instructional planning, implementation, review

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, especially:

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3080-3089 Procedural safeguards
3200-3205 Special education compliance complaints

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:
300.150-300.153 State compliance complaints
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

Doc# 44617-9 (10/2020, 07/2020)