

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS
FRESNO COUNTY BOARD OF EDUCATION**Instruction****PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**

The County Superintendent and County Board recognize 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 County Superintendent 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 County Superintendent or designee shall encourage the early, informal resolution of the dispute at the school level to the extent possible. The County Superintendent or parent/guardian may also request mediation and/or a due process hearing in accordance with law, policy, and administrative regulation.

The County Superintendent or designee shall represent the County Superintendent in any due process hearing conducted with regard to County Superintendent students.

Any complaint alleging the County Superintendent'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 Title 5 of the California Code of Regulations sections 3200-3205.

Adopted: 11/19/2020

Legal ReferenceEducation 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
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:
3080-3089 Procedural safeguards
3200-3205 Special education compliance complaints

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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

Management Resources

Websites

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>
Office of Administrative Hearings, Special Education Division:
<http://www.dgs.ca.gov/OAH/Case-Types/Special-Education>
U.S. Department of Education, Office of Special Education Programs:
<http://www.ed.gov/about/offices/list/osers/osep>