

Procedural Safeguards and Complaints for Special Education

In order to protect the rights of students with disabilities, the Solano County Office of Education (SCOE) shall follow all procedural safeguards as set forth in law. Parents/guardians shall receive written notice of their rights in accordance with law, SCOE policy, and administrative regulation.

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

Complaints for Special Education

Complaints concerning compliance with state or federal law regarding special education shall be addressed in accordance with SCOE's uniform complaint procedures.

Due Process/Special Education

Any individual, public agency, or organization may file a due process hearing request for special education with the Office of Administrative Hearings, Special Education Unit, 1102 Q Street, 4th Floor, Sacramento, CA 95814, (916) 323-6876, when:

1. There is a proposal to initiate or change the identification, assessment, or educational placement of the child or the provision of a free appropriate public education (FAPE) to the child.
2. There is a refusal to initiate or change the identification, assessment, or education placement of the child or the provision of a free appropriate public education (FAPE) to the child.
3. The parent refuses to consent to an assessment of the child.
4. There is a disagreement between a parent/guardian and the district regarding the availability of a program appropriate for the student, including the question of financial responsibility, as specified in 34 CFR 300.148.

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 Uniform complaint procedures

UNITED STATES CODE, TITLE 20

- 1232g Family Educational Rights and Privacy Act
- 1400-1482 Individuals with Disabilities Education Act

OFFICE OF THE SOLANO COUNTY SUPERINTENDENT OF SCHOOLS

Policy 6159.1 (Continued)

Legal Reference: (Continued)

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

Policy Cross-Reference:

0410 Nondiscrimination

0430 Comprehensive Local Plan for Special Education

1312.1 Complaints about Employees

1312.2 Complaints about Instructional Materials

1312.3 Uniform Complaint Procedures

1312.4 *Williams* Complaint Procedures

3541.2 Transportation for Students with Disabilities

4114 Complaints

5020 Parent Rights and Responsibilities

5141.4 Child/Dependent Adult Abuse Reporting

5144.2 Suspension and Expulsion/Due Process (Students with Disabilities)

5145.3 Nondiscrimination/Harassment

5145.6 Parental Notifications

5145.9 Hate-Motivated Behavior

6145 Extracurricular and Cocurricular Activities

6159 Individualized Education Program

6159.2 Nonpublic, Nonsectarian School and Agency Services for Special Education

6159.3 Appointment of Surrogate Parent for Special Education Students

6162.52 High School Exit Examination

6164.4 Identification and Evaluation of Individuals for Special Education

6164.6 Identification and Education Under Section 504