

COMPLAINTS CONCERNING SPECIAL EDUCATION PROGRAMS/DUE PROCESS**Due Process**

A request for "due process hearing" can be filed by a student and/or parent(s) of a student whenever there exists an unresolved disagreement about a recommended educational placement or about support services to be received through special education. The Superintendent or designee may also file for a due process hearing on behalf of the Office of Education. The due process hearing shall be conducted in accordance with applicable state regulations.

Due process hearing procedures shall include all of the following:

1. The right to a mediation conference.
2. The right of parents to examine all school records of the student and receive copies of them within five (5) days after an oral or written request has been made to the Director of Special Services or other appropriate department official.
3. The right to a fair and impartial administrative hearing at the state level. The Superintendent or designee shall develop local regulations and procedures for implementation of this policy which are consistent with state guidelines.

Any student or the parent(s) of any student desiring to initiate a due process hearing, or who may become involved in the hearing process because of the filing of a request by the Office of Education, shall receive a copy of the regulations and procedures for the initiation and conduct of a due process hearing.

Due process hearings are not to be used if there exists an allegation of illegal misconduct by school officials. If the complaint concerns an alleged illegal activity, persons should be directed to *Board Policy 1312.4* concerning Uniform Complaint Procedures and related administrative guidelines.

Cross reference: Board Policy 1312.4 Uniform Complaint Procedures

Legal reference:

EDUCATION CODE

51225.3 Requirements for high school graduation and diploma

56055 Rights of foster parents pertaining to foster child's education

56136 Guidelines for low incidence disabilities areas

56195.8 Adoption of policies

56321 Development or revision of IEP

56321.5 Notice to include right to electronically record

Community Relations

Board Policy 1312.3(b)

56340.1-56346 Instructional planning and individualized education program
56350-56352 IEP for visually impaired students
56380 IEP reviews; notice of right to request
56390-56393 Certificate of completion, special education
56500-56508 Procedural safeguards
60640-60649 Standardized Testing and Reporting Program
60850 High school exit examination, students with disabilities
FAMILY CODE
6500-6502 Age of majority
GOVERNMENT CODE
7572.5 Seriously emotionally disturbed child, expanded IEP team
WELFARE AND INSTITUTIONS CODE
300 Children subject to jurisdiction
601 Minors habitually disobedient
602 Minors violating law defined as crime
CODE OF REGULATIONS, TITLE 5
852-853 Standardized Testing and Reporting Program, accommodations for students with disabilities
1216-1218 High School Exit Examination, accommodations for students with disabilities
3021-3029 Identification, referral and assessment
3040-3043 Instructional planning and the individualized education program
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act of 1974
1400-1482 Individuals with Disabilities Education Act
CODE OF FEDERAL REGULATIONS, TITLE 34
300.1-300.756 Individuals with Disabilities Education Act