Fresno Unified Board Policy (BP) 6159.1  
Procedural Safeguards And Complaints For Special Education

The Governing Board 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.

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))  
(cf. 5145.6 - Parental Notifications)  
(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)

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.

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

(cf. 1312.3 - Uniform Complaint Procedures)

Fresno Unified School District prohibits discrimination, harassment, intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age, creed, religion, political affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, medical information, military veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.

Legal Reference:  
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  
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  
4600-4670 Uniform complaint procedures  
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:
300.500-300.520 Procedural safeguards and due process for parents and students

COURT DECISIONS

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

Policy FRESNO UNIFIED SCHOOL DISTRICT
adopted: December 18, 2019 Fresno, California

Policy Section: 6000 Instruction