

Mendocino Unified School District

Instruction

Procedural Safeguards and Complaints

Notifications: Students and parents/guardians shall have the right to be informed of the availability under state and federal law of free appropriate public education for students with exceptional needs and of all available alternative programs, both public and nonpublic. (Education Code 56506)

Students and parents/guardians have the right to receive written notice of their rights, including those related to the student's individualized education program, in language easily understood by the general public and in the primary language of the parent/guardian or other mode of communication used by the parent/guardian, unless to do so is clearly not feasible. (Education Code 56506)

When a student is to be assessed for special education, the parent/guardian shall receive a notice that includes a written explanation of all the procedural safeguards under the Individuals with Disabilities Education Act and the rights and procedures contained in Education Code 56500-56508. This notice shall include information on the procedures for requesting an informal meeting, prehearing mediation conference, mediation conference, or due process hearing; the timelines for completing each process; whether the process is optional; the type of representative who may be invited to participate, and the right of the parent/guardian and/or the District to electronically record the proceedings of IEP meetings in accordance with Education Code 56341. A copy of this notice shall be attached to the student's assessment plan and referred to at each IEP meeting. (EC 56321)

Due Process Hearing Rights

A parent/guardian, the District, and a student who is emancipated or a ward or dependent of the court may initiate due process hearing procedures whenever:

1. There is a proposal to initiate or change the identification, assessment, or educational placement of the student, or the provision of a

Administrative Regulation 6159.1

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free, appropriate public education to the student. (EC 56501)

2. There is a refusal to initiate or change the identification, assessment or educational placement of the student, or the provision of a free, appropriate public education to the student. (EC 56501)

3. The parent/guardian refuses to consent to an assessment of his/her child. (EC 56501)

Due process hearing rights include:

1. The right to a state pre-hearing mediation conference pursuant to EC 56500.3.

2. The right to request a mediation conference at any point during the hearing process. This conference shall be scheduled if both parties agree to mediate and are willing to extend the 45-day limit for issuing a hearing decision for a period equal to the length of the mediation process.

3. The right to examine student records and receive copies within five days of request.

4. The right to a fair and impartial administrative hearing at the state level before a person knowledgeable and under contract in accordance with law.

5. The right to have the student who is the subject of the state hearing present at the hearing.

6. The right to open the state hearing to the public. (Education Code 56501)

Before requesting a state mediation conference or due process hearing, parties may ask to meet informally to resolve the issue(s). The District Superintendent or designee shall conduct this informal meeting and shall have the authority to resolve the problem(s). (Education Code 56502)

Attorneys may participate only in those mediation conferences that are scheduled after the filing of a request for due process hearing. (EC 56500.3, 56501)

Parties requesting a due process hearing shall file their request with the Superintendent of Public Instruction or designated contracted

agency and give a copy of the request, at the same time, to the other party. (EC 56502)