

The California Department of Education (CDE) resolves special education complaints.

Who may file a complaint?

Anyone, including parents, students, teachers, and agency representatives, may file a complaint. The person filing a complaint is the complainant. The complaint must meet requirements set forth in the Code of Federal Regulations, Title 34 Section 300.153(b). See below. Or this could be ()

Why file a complaint?

A complaint is a formal request to the CDE to investigate allegations of noncompliance *with special education* federal or state laws. [Individuals with Disabilities Education Act, Part B (IDEA), 20 U.S.C. Section 1400 et seq.; 34 Code of Federal Regulations (CFR) Part 300; or a provision(s) of the California Education Code or Code of Regulations for special education] CDE ensures public agencies meet the educational needs of students with disabilities.

What is a complaint?

A complaint is a written document, which must include:

- Statements that the school district or public agency violated special education law within one year prior to the complaint being filed.
- Facts on which such statements are based.
- Signature and contact information for the complainant.
- Child's name, address, and school, if alleging violations that are child specific.
- Proposed resolutions.

The complainant may use the [model complaint form](#) (PDF) or write a letter to file the complaint.

Where is a complaint filed?

Send complaints by fax or mail to:

California Department of Education
Special Education Division
Complaint Resolution Unit
1430 N Street, Suite 2401
Sacramento, CA 95814-5901
Fax: 916-327-8878

What happens once the CDE receives the complaint?

- Once a complaint is received, investigators review the complaint request and contact the complainant to confirm allegations.
- A notification letter indicating the allegations to be investigated are sent to the complainant, LEA and SELPA. A copy of the complaint request is also included in the packet sent via overnight mail.

What if the student attends a charter school?

- The CDE will investigate allegations of alleged violations of special education law.

- In cases in which a student attends a charter school acting as an LEA which is under a SELPA for purposes of special education, both the charter and the SELPA which chartered the school will receive notification.
- The charter is expected to respond to the request for information.

How long does it take for a complaint investigation to be completed?

- Complaint investigations are completed within 60 days of receipt in the Complaint Resolution Unit.
- The 60-day time limit may be extended under certain circumstances.

Is there a time limit for submitting a complaint?

Complaints must be filed within one year of the alleged violation

What is a complaint investigation?

- An investigator contacts the complainant and the LEA in the complaint.
- The investigator gathers facts based on the allegations by communicating, as appropriate, with complainants, LEA staff, students, legal representatives and, depending on the allegations, by reviewing the following:
 - Service logs and schedules (student and or staff)
 - District or school calendars
 - Attendance records
 - Staff assignments
 - Assessments
 - Individualized education programs (IEPs)
 - IEP team meeting minutes
 - Prior written notices
 - Settlement agreements
 - Local Plan
 - Office of Administrative Hearings decisions
 - Written statements

The investigator may also determine that an on-site investigations is necessary. There are no extensions to request for information (RFI) responses.

What is in a complaint investigation report?

Based on evidence collected, the investigator prepares a complaint investigation report. The report contains:

1. General investigation procedures
2. Allegation summary
3. Applicable law and regulation
4. Findings of facts
5. Report conclusions (compliance or noncompliance)
6. Corrective actions and timelines (if applicable)_

The CDE sends copies of the investigation report to the complainant, the public agency, and the parent if different from the complainant.

What if there is noncompliance?

If the report includes corrective actions, the CDE may require the LEA to:

- Direct staff to comply with legal requirements investigated in the complaint
- Conduct further assessments
- Submit plans outlining proposals to correct violations and prevent future ones
- Initiate personnel training in the areas of violations
- Provide compensatory education or reimbursement
- Review and revise procedures and practices
- Participate in monitoring and reporting activities
- Convene a new IEP meeting

This is not an exhaustive list but only serves as an example of what may be required.

What if there is a disagreement with the report?

As explained at the end of each report, any party to the complaint may request reconsideration. The appeal process steps are:

1. Submit the reconsideration request no later than 35 calendar days after receiving the investigation report.
2. The written request must be sent to the address or faxed to the number found at the end of the investigation report.
3. Identify the finding(s), conclusion(s), or corrective action(s) about which there is disagreement.
4. Identify the findings of fact that are incorrect and/or the law that is misapplied.

The reconsideration process is not an opportunity to submit additional documentation beyond the complaint investigation period. Within 35 calendar days of the receipt of that request, the CDE will:

1. Review the reconsideration request and determine if reconsideration is warranted.
2. If warranted the investigator's report will be reviewed.
3. Review the evidence presented at the investigation.
4. If necessary, the investigator may gather and/or review additional information.
5. Review the decision.
6. Issue a final written investigation report/response to the request.

What happens if corrective actions are not completed?

The CDE ensures compliance by applying sanctions.

How do local education agencies respond to a complaint?

- Cooperate with the investigator and provide documentation as requested in a timely manner.
- Submit all documentation regarding the complaint.

There are no extensions for submitting a response to a request for information or evidence. Failure to respond may result in a finding and remedy in favor of the complainant.

What are the responsibilities of the investigator?

- Reviews the submitted complaint request
- Interviews the complainant
 - Confirms allegations
 - Keeps accurate notes
- Contacts the school district or public agency
 - Requests required materials for investigation
 - Arranges interviews with school staff, if necessary
 - Schedules dates and times for on-site visits, if necessary
- Reviews pertinent documents
- Conducts telephone, face-to-face, and/or on-site interviews with school staff, as necessary
- Prepares an investigation report that addresses each alleged violation

What are the CDE's responsibilities in the complaint process?

- Reviews the complaint and determines if all the required components are addressed, including contacting and interviewing the public agency and complainant
- Adheres to timelines
- Sends investigation report copies as appropriate
- Provides technical assistance to school districts and public agencies for corrective actions
- Reconsiders investigation reports
- Retains all documents

Law and regulation governing the complaint investigation process include:

Required State Complaint Procedures: Title 34, *Code of Federal Regulations (CFR)* Section [300.151](#)

Minimum State Complaint Procedures: 34 *CFR* Section [300.152](#)

Filing a Complaint: 34 *CFR* Section [300.153](#)

State Complaint Timelines and Procedures: *California Education Code* sections [56043\(p\)](#), [56500.2](#)

State Investigation procedures: Title 5, *California Code of Regulations* sections [4660-4670](#)

Questions: Complaint Support Unit | 800-926-0648
Complaint Investigation Units I and II
speceducation@cde.ca.gov

Top Ten Allegation
FY 2018/19

as of 12/4/2018

	Code Allegation	Frequency	Allegation
1	EC 56043(i)	144	Failure to implement the individualized education program (IEP)
2	34 CFR 300.323(c)(2)	76	Failure to ensure that special education and related services are made available to the child as soon as possible following the development of the IEP
3	EC 56504	34	The complainant alleges the District failed to meet the requirements pertaining to records requests as set forth in EC 56504, when the District did not
4	Settlement Agreement	33	The Complainant alleges the District failed to implement the requirements of a settlement agreement when the District did not
5	EC 56321(a)	29	Failure to adhere to the 15-day timeline for the development of the proposed assessment plan
6	34 CFR 300.502	21	The Complainant alleges the District failed to comply with 34 CFR 300.502 when it [denied my request for//did not provide my child with] an independent educational evaluation.
7	EC 56343.5	20	The Complainant alleges the District failed to hold IEP team meeting within 30 days of receipt of the parent's written request AND/OR Failure to notify the parent of the need for a written request and the procedure for filing a written request, if a parent makes an oral request
8	34 CFR 300.111	19	The Complainant alleges the District failed to [timely] identify, locate, and evaluate the student in order determine whether the student [was/is] in need of special education as required under 34 CFR 300.111. (... additional information for opening)
9	EC 56344(a)	19	The Complainant alleges the District failed to adhere to the 60-day timeline for development of the individualized education program required as a result of an assessment of a pupil
10	34 CFR 300.503(a)	18	The Complainant alleges the District failed to provide a required written notice before proposing to or refusing to initiate or change the identification, evaluation or educational placement of the child, or the provision of a free and appropriate public education (FAPE) to the child