

Complaint Process

The special education complaint process with federal and state law resource links.

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 complaints. The person filing a complaint is the complainant. The complaint must meet requirements as explained in this document.

Why file a complaint?

A complaint is a formal request to the CDE to investigate allegations of noncompliance with special education laws, federal or state. CDE ensures public agencies meet the educational needs of students with disabilities.

What is a complaint?

A complaint is a written document, including:

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

The complainant may use the [model complaint form](#) (DOC) 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
Procedural Safeguards Referral Service (PSRS)
1430 N Street, Suite 2401
Sacramento, CA 95814-5901
Fax: 916-327-3704

How long is a complaint investigation?

Several timelines apply to the complaint investigation process:

1. Complaints must be filed within one year of the alleged violation
2. Complaint investigations are completed within 60 days of receipt in PSRS
3. The 60-day time limit may be extended under certain circumstances

What is a complaint investigation?

An investigator contacts the complainant and the school district or other public agency in the complaint. The investigator gathers facts about the allegations through:

1. Interviews
2. Reviews service logs and schedules
3. Reviews assessments
4. Reviews individualized education programs (IEPs)
5. Reviews IEP team meeting minutes
6. Reviews prior written notices
7. On-site investigations, as needed

What is in a complaint investigation report?

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

1. Allegation summary
2. General investigation procedures
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 is different from the complainant.

What if there is noncompliance?

If the report includes corrective actions, the CDE may require the school district or public agency to:

1. Convene a new IEP meeting
2. Conduct further assessments
3. Submit plans outlining proposals to correct violations and prevent future ones
4. Initiate personnel training in the areas of violations
5. Provide compensatory education or reimbursement
6. Review and revise procedures and practices
7. Participate in monitoring and reporting activities

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. Send a written request to the address 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. Provide appropriate documentation or other information not previously considered
5. Identify the findings of fact that are incorrect and/or the law that is misapplied

Within 35 calendar days of the receipt of that request, the CDE will:

1. Review the investigator's report

2. Review the evidence presented at the investigation
3. If necessary, gather and/or review additional information
4. Review the decision
5. Issue a final written investigation report

What happens if corrective actions are not completed?

The CDE ensures compliance by applying sanctions.

How do school districts or public agencies respond to a complaint?

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

Failure to respond may result in a finding and remedy in favor of the complainant.


What are the responsibilities of the investigator?

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


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

1. Reviews the complaint and determines if all the required components are addressed, including contacting and interviewing the public agency and complainant
2. Adheres to timelines
3. Sends investigation report copies as appropriate
4. Provides technical assistance to school districts and public agencies for corrective actions
5. Reconsiders investigation reports
6. 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\(p\)](#),  and [56500.2](#) 

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

Questions: Procedural Safeguards Referral Service | speceducation@cde.ca.gov | 800-926-0648

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