

**DATE DOCUMENT IS SENT**

California Department of Education  
Special Education Department  
Procedural Safeguards and Referral Services  
1430 N Street, Suite 2401  
Sacramento, CA 95841

*Sent via email: [speceducation@cde.ca.gov](mailto:speceducation@cde.ca.gov)*

**RE: Special Education Student NAME OF STUDENT (DOB: DATE)  
Violation of Free Appropriate Public Education (“FAPE”)**

**COMPLAINT FILED BY:**

Parent/Holder of Education Rights: YOUR NAME  
Address: YOUR STREET ADDRESS  
CITY, CA, ZIP  
Phone: YOUR PHONE NUMBER

**ON BEHALF OF:**

Student: STUDENT’S NAME  
Address: Student resides with parent at the above address

**COMPLAINT AGAINST:**

NAME OF SCHOOL DISTRICT  
ADDRESS OF DISTRICT  
CITY, CA ZIP  
Phone: DISTRICT PHONE NUMBER  
Fax: DISTRICT FAX NUMBER

**I. INTRODUCTION**

This compliance complaint is filed on behalf of STUDENT’S FULL NAME (“STUDENT’S FIRST NAME”) pursuant to CAL. EDUC. CODE § 56500.2 (Deering 2018), 34 C.F.R. §§ 300.151–153 (2018), and CAL. CODE REGS. tit. 5 § 4650(a)(7)(D) and (E) (2018). STUDENT’S FIRST NAME resides with HIS/HER parents at the above address and is a special education student in NAME OF DISTRICT (“ABBREVIATED DISTRICT NAME”). ABBREVIATED DISTRICT NAME is out of compliance with federal and state education laws with respect to STUDENT’S FIRST NAME.

## II. FACTS

*Describe the facts in non-accusatory language. When you have a piece of evidence that supports your claim (demonstrates that it did indeed occur as you are claiming), refer to it after the sentence that it supports by indicating it is an Exhibit you are including.*

For example:

The Texas IEP stated that student was to receive 15 minutes of psychological services 2 times per 9 weeks. **(Exhibit A, page #.)** Clovis Unified removed these services and replaced them with individual counseling at 120 minutes monthly. **(Exhibit B, page #.)** However, CUSD did not begin these counseling sessions until January 2021. **(Exhibit C, page #.)** This means that the student did not receive comparable services from August 2020 through December 2020.

*Then, at the bottom of the complaint letter, include a list of enclosed exhibits naming them, sort of like a key. (See the example after the signature line below).*

## III. REQUEST FOR STATE INTERVENTION

This complaint involves issues that call for direct California Department of Education intervention pursuant to Title 5 of the California Code of Regulations section 4650(a)(7)(D) and (E). As such, we have not filed with the local agency but instead request direct state intervention to resolve the aforementioned matters.

## IV. SPECIFIC ISSUES OF NON-COMPLIANCE

*Provide an itemized list of violations that you can support with evidence (provided in the fact section above) or you feel an investigation will lead to such evidence. If you know the Federal or State statute or regulation that you are claiming was violated, you may include it. (CDE also has the obligation to help you identify if there is an applicable statute or regulation.) For example:*

- (1) CUSD failed to comply with Cal. Ed. Code § 56321(a) when the district did not provide Parent with an assessment plan within 15 calendar days, excluding school holidays of 5 days or more, from the date of request.

## V. REQUESTED CORRECTIVE ACTION

Share the proposed corrective actions that CUSD can be ordered to do to rectify the harm caused to your child as a result of the violations. For example:

I request the following corrective actions:

1. Order CUSD to fund compensatory in-home services with a non-public agency to make up for its failure to provide SAI and Counseling Services

Sincerely,

YOUR NAME

YOUR EMAIL ADDRESS

YOUR PHONE NUMBER

Enclosures:

Exhibit A: Texas IEP

Exhibit B: CUSD IEP

Exhibit C: Email between parent and ERHMS provider

CC: NAME OF SUPERINTENDENT, Superintendent of DISTRICT NAME; EMAIL ADDRESS OF SUPERINTENDENT

*You will need to send the letter and all exhibits to CDE **and** to the District's Superintendent. Someone from CDE will contact you to discuss your complaint and the pending investigation that the letter will have triggered.*