

REQUEST FOR COMPLAINT INVESTIGATION

PLEASE NOTE: A complaint may be filed through the use of this form or by a written letter sent by fax or postal mail. E-mails cannot be accepted as formal complaints because they do not meet signature requirements under 34 C.F.R. 300.153(b)(3). If upon analysis of a request, a complaint is opened, a complaint investigation will be completed within 60 days of receipt in the California Department of Education (CDE) Special Education Division Procedural Safeguards Referral Service (PSRS) of all required information.

The written complaint must specify at least one alleged violation of state and/or federal special education laws that occurred not more than one year prior to the date the complaint is received by the CDE. The party filing a complaint must forward a copy of the complaint to the LEA or public agency serving the child at the same time the party files a compliance complaint with the CDE. [34 Code of Federal Regulations (CFR) 300.153(d)]

Please return the completed form to: California Department of Education; Special Education Division; Procedural Safeguards Referral Service; 1430 N Street; Suite 2401; Sacramento, CA 95814; Phone: 800-926-0648; FAX: 916-327-3704

Name of School District or other Public Educational Agency that allegedly violated state and/or federal special education laws:

COTATI-ROHNERT PARK UNIFIED SCHOOL DISTRICT

Complainant Contact Information:

Name Sally Kirk

City San Rafael, CA Zip Code 94903

Phone Numbers (Please note the best time to call):

(day) (415) 509-1709 (evening) (415) 509-1709

(work) _____ ext. _____ (fax) (415) 524-4196

Parent/Guardian Information (if different from above):

Name(s) _____

Address _____

City _____, CA Zip Code _____

Parent/Guardian Phone Numbers (if phone contact is permitted, please indicate the best time to call):

_____ (evening) _____

(work) _____ ext. _____

Student Information (If alleging violations with respect to a specific child):

Date of Birth _____ Current Grade Level _____

Address Where Student Resides (If different from Parent/Guardian information):

Address _____

City _____, CA Zip Code _____

School of Attendance (required) _____ School _____

Pursuant to 34 CFR 300.153(b)(1), I would like to file a complaint because I believe that the public education agency listed on page one has violated state and/or federal education laws. Here are the facts of what happened: (Include a specific statement of each alleged violation and the dates when the violation occurred, if necessary use additional pages (CFR 300.153(b)(2))

Allegation:

██████████ is a cheerful ██████-year-old ██████ who loves school and attends ██████ grade at ██████████ ██████ School within the boundaries of the Cotati-Rohnert Park Unified School District (CRPUSD). ██████████ is eligible for special education under the categories of ██████████” and “Speech or Language Impairment.”

██████████ has not received the speech and language services designated in her IEP since the start of the 2015-2016 school year (school resumed August 19, 2015).

██████████’s IEP dated October ██████ 2014 services page lists:

“Language and Speech 25 min 45x Totaling: 1125 min served Yearly”

That IEP indicates “Start Date: 10 ██████/14” and “End Date: 10 ██████/15.”

It was only at ██████████’s annual IEP meeting on October ██████, 2015 that her parents were informed that CRPUSD has no speech language pathologist in their employ to deliver IEP services to ██████████ and that ██████████ had been deprived of these services for over two months without their knowledge.

No speech language pathologist attended the IEP team, and ██████████’s language and communication needs were not adequately addressed at the IEP meeting or in the IEP document as a result. The parents do not understand if they waived the attendance of a speech language pathologist. They signed all papers that were presented to them and that CRPUSD asked them to sign or initial. No waiver is found in the IEP document parents received.

When the parents expressed concern about the lack of services to Principal ██████████ at the IEP meeting, he said that CRPUSD was working on hiring a speech language pathologist, but that there is a shortage.

The October ██████, 2015 IEP Team Meeting Notes acknowledge CRPUSD’s failure to provide speech and language services required by ██████████’s IEP, stating “Speech services have not happened yet this year. Services missed thus far will be tacked on to when services start.”

At that October ██████ 2015 meeting, the school members of the team (absent the required speech language pathologist) talked about the idea of computerized speech services for ██████████ as a solution to CRPUSD’s failure to have the required professionals available to serve children. The IEP Team Meeting Notes state,

“Proposed option is Tiny Eye (tele practice for speech therapy). Parents might be interested in Tiny Eye at home.” On page two of the IEP, under “Concerns of parent...” the district has written, “They are interested in trying Tiny Eye computerized speech services.” No offer of “computerized speech and language” services was specified on the services page of the IEP.

Since the IEP, the parents considered this “computerized speech services” idea and have decided it is not appropriate given [REDACTED]’s complex language and communication needs. No licensed speech and language pathologist has recommended such a service delivery model as being appropriate for [REDACTED].

At the conclusion of the October [REDACTED], 2015 IEP meeting, the parents were directed to sign a consent page and initial many places without reviewing or receiving a copy of the proposed IEP. The parents complied and signed and initialed various places. They only received and reviewed the IEP document this Monday, November 9, 2015. The “Signature and Parent Consent” page from October [REDACTED], 2015 was attached to the IEP.

The parents are concerned about how the speech and language services are documented in the IEPs:

- The October [REDACTED], 2014, IEP services page mistakenly lists “group” services for speech and language pathology intervention. This does not reflect the decision of the full IEP team, as clearly stated in the notes of the 2014 IEP, that the speech pathologist “will see [REDACTED] on an individual basis for her speech and language session.”
- The IEP proposed for [REDACTED] on October [REDACTED], 2015, lists “Start Date: 10/[REDACTED]/14” and “End Date: 10/[REDACTED]/15,” for speech and language services, and the IEP again errantly lists “group.”

On November 4, 2015, [REDACTED]. [REDACTED] emailed Principal [REDACTED] asking if a speech language pathologist had been hired, and was told, “The district is working on this.”

This denial of [REDACTED]’s speech and language services is especially concerning to her parents because [REDACTED] received a [REDACTED] in March 2014, and she is at a critical stage of brain development and [REDACTED] related to [REDACTED]. Her school progress and language and communication development have been jeopardized by CRPUSD’s failure to implement her IEP services, failure to have a speech language pathologist on her IEP team and failure to properly include speech and language services on the services page of the IEP.

Attached please find the following:

- October [REDACTED], 2014 IEP document
- October [REDACTED], 2015 IEP document
- November 4-5, 2015 email

Who have you contacted regarding the above issue(s)? What was the outcome?

Please see above narrative and the attached email. The parents contacted me and the outcome is this complaint.

Proposed Resolution (34 CFR 300.153(b)(4)(v)):

1. A finding of noncompliance with each applicable section of the California Education Code.
2. An investigation by CDE into [REDACTED]'s speech and language services delivered since October [REDACTED], 2014, to determine exactly what services CRPUSD failed to provide, if services given have been individual, and an order to CRPUSD to provide compensatory education for all the services [REDACTED] was deprived of since October [REDACTED], 2014, commencing without delay.
3. An investigation by CDE that identifies all children within CRPUSD's boundaries with speech and language services in their IEP and determines which children did not receive the speech and language services designated in their IEPs since August 19, 2015; and an order by CDE to CRPUSD to provide compensatory services for speech and language services these children were deprived of.
4. An order of corrective action by CDE to CRPUSD to advise each family in writing what services were missed, why, what compensatory services their child is entitled to, and how and when the services will be provided.
5. An order of appropriate corrective actions for all other violations identified by CDE.

A complaint investigation would not be necessary if:

- CRPUSD had provided [REDACTED]'s services to her as required by her October [REDACTED] 2014, IEP (and to the other children per their IEPs) by either hiring a qualified speech language pathologist or contracting for the services of a speech language pathologist through an appropriate agency.
- CRPUSD had convened a full IEP team including a speech language pathologist in 2015.
- CRPUSD had provided parents with a written copy of the 2015 IEP in a timely manner.
- CRPUSD had written [REDACTED]'s speech and language services clearly and correctly in her IEPs.

Has your child been referred for special education? Yes ___X___ No _____

Was your child ever identified for special education? Yes ___X___ No _____

Does your child have an individualized education program (IEP)? Yes ___X___ No _____ If yes, please include a copy of the most recently signed IEP.

Include copies of any other documents that apply to this request for complaint investigation, such as assessment plans, written correspondence or mediation and settlement agreements.

Signature of Complainant



Date 11/11/15