

**CALIFORNIA DEPARTMENT OF EDUCATION
SPECIAL EDUCATION DIVISION
DISPUTE RESOLUTION SERVICES UNIT**

STATE COMPLIANCE COMPLAINT

**Systemic Failure to Ensure a Sufficient Continuum of Alternative
Placements
for Elementary Students with Disabilities**

Complainant

Garden Grove Education Association (GGEA)
Paul Kim, Executive Director

Public Agency

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- 20 U.S.C. § 1412(a)(5)** — Least restrictive environment requirement.
- 34 C.F.R. § 300.114** — LRE requirements; education with nondisabled peers to the maximum extent appropriate.
- 34 C.F.R. § 300.115** — Requires each public agency to ensure a continuum of alternative placements, including regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions.
- 34 C.F.R. § 300.116** — Requires individualized placement decisions made by the appropriate group and based on the child's IEP.
- 34 C.F.R. §§ 300.151–300.153** — Federal state-complaint procedures.

California Authorities

- California Education Code § 56500.2** — State complaint procedures.
- 5 CCR §§ 3200–3204** — California special education state complaint investigation procedures.

Federal Guidance

- OSEP Policy Letter (Mar. 30, 2009)** — Addresses full inclusion and emphasizes the required continuum and individualized placement.
- U.S. Department of Education, Return to School Roadmap: Development and Implementation of IEPs (Sept. 30, 2021)** — Reiterates that LEAs must make available the continuum required by § 300.115.
- U.S. Department of Education, IDEA Services in Head Start Dear Colleague Letter (Oct. 5, 2022)** — States that placement may not be based solely on disability category, service availability, service-delivery configuration, space, or administrative convenience.
- U.S. Department of Education, Dear Colleague Letter on Building and Sustaining Inclusive Educational Practices (Jan. 16, 2025)** — Reaffirms that the continuum must be available to the extent necessary to implement each child's IEP and placement may not be driven solely by service-delivery configuration or availability.
- California Department of Education, CALPADS Update Flash #314** — Beginning with the 2025–26 Fall 1 submission, Degree of Support is a required PLAN-file data element and is used with other data for special-education assignment monitoring.

GGUSD Materials

- GGUSD, Special Education webpage** — Current department page and linked special education resources.
- GGUSD, A Continuum of Services** — States that programs should be built around student needs and lists special day classes within the continuum.
- GGUSD, April 17, 2018 Special Education Board Presentation** — Historical evidence concerning K–6 push-in/pull-out and secondary Mild/Moderate programming.
- GGUSD/SELPA, 2026-27 Local Plan Section A, Annual Service Plan, and Attachment VI** - Current CDE submission materials documenting GGUSD's certifications, reported special education services, and site-specific service locations; these materials are used to distinguish reported services from actual placement availability.

STATE COMPLIANCE COMPLAINT

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I. Introduction and Nature of Complaint

The Garden Grove Education Association (GGEA) submits this systemic special education state compliance complaint concerning the Garden Grove Unified School District (GGUSD or District). GGEA requests that the California Department of Education (CDE) investigate whether GGUSD is complying with the Individuals with Disabilities Education Act (IDEA) and California special education law by ensuring that a genuine continuum of alternative placements is available to elementary students with disabilities.

This complaint does not challenge inclusion as an educational philosophy and does not contend that students with disabilities should be unnecessarily removed from general education. GGEA recognizes IDEA's requirement that students with disabilities be educated with nondisabled peers to the maximum extent appropriate.

Rather, GGEA's concern is that GGUSD substantially restructured elementary Mild/Moderate services around an inclusion model consisting primarily of placement in general education classrooms accompanied by push-in and/or pull-out special education services. GGEA acknowledges that GGUSD also operates specialized elementary Special Day Class programs, including STRIVE and SPARK. The systemic question is whether those specialized programs, together with other placements GGUSD operates or can access, provide a sufficient and genuinely available continuum for every elementary student whose IEP requires a special-class placement, including a student who does not fit the particular profile of STRIVE, SPARK, or a Moderate/Severe program.

GGEA therefore requests that CDE investigate whether GGUSD presently ensures that the full continuum of placements required by federal and state law is genuinely available to elementary students.

II. Jurisdiction and Timeliness

CDE's state complaint process permits an organization or individual to file a signed written complaint alleging violations of federal or state special education law. Complaints may concern a group of students. The complaint must allege violations occurring not more than one year before CDE receives the complaint, and the complainant must forward a copy to the LEA at the same time it is filed with CDE.

GGEA relies on older District materials, including the April 17, 2018 Board presentation and the August 8, 2024 preschool staff presentation, as evidence of the design and evolution of GGUSD's service-delivery system. GGEA does not ask CDE to adjudicate those historical acts as standalone violations outside the one-year complaint period. The alleged violations concern current practices and placement decisions occurring within the applicable complaint period.

This complaint challenges an alleged current and continuing districtwide practice during the applicable one-year period, including the 2025–2026 and 2026–2027 school years. The historical transition beginning around 2017–2018 is offered as background and evidence concerning the origin and design of the present service-delivery model, not as the sole alleged violation.

III. Applicable Federal and State Authorities

34 C.F.R. § 300.115(a) requires each public agency to ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. Section 300.115(b) requires the continuum to include instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions, and to provide supplementary services such as resource-room or itinerant instruction in conjunction with regular-class placement.

Under 34 C.F.R. § 300.116, the placement decision must be made by a group that includes the parents and persons knowledgeable about the child, evaluation data, and placement options. Placement must be determined at least annually, must be based on the child's IEP, and must conform to the LRE requirements.

Federal guidance further emphasizes that placement decisions must be individualized and should not be made solely on factors such as disability category, availability of special education and related services, configuration of the service-delivery system, availability of space, or administrative convenience.

These requirements operate together: IDEA favors education in general education with appropriate supports when that placement is appropriate, but it also requires a genuine range of alternative placements so that an IEP team can select a more restrictive setting when the student's individual needs require one.

IV. GGUSD's Publicly Stated Continuum

GGUSD's current Special Education website identifies a 'Continuum of Services.' GGUSD states that each student may require a different program or combination of programs and that the goal is to build programs around student needs rather than fit the student into existing programs.

GGUSD's public continuum identifies, among other options:

- General Education Classes;
- General Education Classes with Consultation;
- General Education Classes with Related Services;
- General Education Classes and Resource Specialist Program;
- General Education Classes and Special Day Classes;
- Special Day Classes;
- Non-Public Schools;
- Home or Hospital; and
- State Residential Schools.

GGUSD therefore publicly recognizes Special Day Classes as a distinct component of the placement continuum. The issue presented by this complaint is whether an appropriate special-class option is actually available to elementary IEP teams for students whose needs cannot be satisfactorily met through GGUSD's general-education/push-in/pull-out model. See Exhibit A and B.

GGUSD's 2026-27 SELPA Local Plan provides a current reporting framework against which CDE can test that question. Section A identifies Garden Grove Unified as a single-LEA SELPA and includes certifications that the Local Plan and Annual Service Plan are the basis for the operation and administration of the special education programs described in those submissions and that the agency will comply with IDEA, 34 C.F.R. Parts 300 and 303, and applicable California special education law. See Exhibit D.

Section E of the 2026-27 Annual Service Plan states that the plan must describe the nature of special education services provided and the physical locations where those services are provided, with site-specific information reported in Attachment VI. The same CDE form directs the SELPA,

when a service is not currently provided, to explain why and how students with disabilities will have access to the service should a need arise. Section E identifies Code 330, Specialized Academic Instruction/Specially Designed Instruction, as adapting the content, methodology, or delivery of instruction to the needs of a child with a disability. See Exhibit E.

Attachment VI then identifies individual GGUSD sites and the special education service codes reported at those locations, including elementary and preschool sites relevant to this complaint. The Annual Service Plan and Attachment VI are therefore probative of GGUSD's reported service configuration and locations. They do not, however, by themselves identify the actual placement continuum available to an elementary IEP team or establish that a particular service code corresponds to a general-purpose Mild/Moderate special class. That distinction between a continuum of services and a continuum of alternative placements is central to this complaint. See Exhibit E.

CDE should therefore compare the services and locations reported in the 2026-27 Annual Service Plan and Attachment VI with the actual placements available to elementary IEP teams. In particular, CDE should determine what placement corresponds to the reported service configuration when a student requires special-class instruction, which elementary sites actually provide such placements, and whether a general-purpose Mild/Moderate special-class option exists apart from STRIVE, SPARK, and Moderate/Severe programming.

V. GGUSD's Elementary Mild/Moderate Service-Delivery Model

GGUSD historically operated self-contained Mild/Moderate classes at the elementary level. Beginning approximately during the 2017–2018 period, GGUSD transitioned away from these elementary Mild/Moderate self-contained classes and toward an inclusion model under which students formerly served through these programs were placed primarily in general education classrooms.

Under this model, elementary students with Mild/Moderate support needs generally receive specialized academic instruction through push-in services within the general education classroom and/or pull-out instruction by an education specialist or instructional aide.

GGUSD's April 17, 2018, Special Education Board presentation is relevant historical evidence concerning this structural change. The presentation identifies K–6 push-in/pull-out services within the continuum and states that Mild/Moderate students who had been clustered at specific K–6 sites would, beginning the following year, be served in blended programs at their home schools. GGEA relies on this material as historical background to the present service-delivery model, not as proof by itself of a current violation. See Exhibit C.

GGEA understands that traditional Mild/Moderate self-contained programming remains available at the intermediate and high-school levels. At the elementary level, GGUSD operates specialized Special Day Class programs, including STRIVE and SPARK, while also maintaining more restrictive programming for students with Moderate/Severe support needs. GGEA's concern is therefore not that no elementary special class exists, but whether STRIVE, SPARK, and other available programs collectively provide a sufficient and genuinely accessible continuum for all elementary students requiring Mild/Moderate special-class instruction.

This structure may still create a material gap in the elementary continuum if STRIVE and SPARK serve defined student profiles or needs and are not appropriate or available for every student who requires substantially more specialized instruction than can be provided through general education with push-in/pull-out services, but who does not require a Moderate/Severe program.

VI. Specialized Elementary Mild/Moderate Programs: STRIVE and SPARK

GGEA acknowledges that GGUSD operates specialized elementary programs serving students with Mild/Moderate disabilities, including STRIVE and SPARK. The existence of these programs is relevant to the continuum inquiry and narrows the issue presented by this complaint. GGEA does not contend that GGUSD operates no elementary special-class programming for students with Mild/Moderate disabilities. Rather, the issue is whether the specialized programs GGUSD operates, together with other placements it can access, constitute a sufficient and genuinely available continuum for the full range of elementary students whose IEPs require special-class instruction.

GGUSD's STRIVE Staff Handbook describes STRIVE as a self-contained program on a comprehensive school campus for students who need additional social-emotional support and coping-strategy skill building. The handbook describes a therapeutic-centered classroom emphasizing restorative practices and positive behavior change and identifies social-skills curriculum, increased staff support, counseling services, and smaller class sizes as program supports. See Exhibit J.

The STRIVE Handbook further shows that the program is organized around a specialized behavior-regulation model involving proactive interventions, corrective teaching, de-escalation, referral procedures, and a tiered point-and-level motivation system. The handbook describes Tier III students as receiving classes within the self-contained STRIVE classroom for most of the day and describes later tiers as progressively increasing participation in mainstream classes and reducing dependence on the STRIVE setting. This evidence indicates that STRIVE is designed around significant social-emotional and behavioral support needs rather than functioning simply as a generic Mild/Moderate academic special class. See Exhibit J.

GGUSD's April 17, 2025 certified job description for an "Educational Specialist, Mild-Moderate Teacher - SPARK, Classroom" confirms that SPARK is a specialized Mild/Moderate program. The District states that the SPARK teacher supports students who require a specialized program focused on academic instruction, sensory and behavior regulation, executive functioning, and social-skills development. The job description also assigns responsibility for individualized instruction, implementation of IEP goals, student assessment, behavior standards, and participation in IEP and transition meetings. See Exhibit K.

These District documents therefore support treating STRIVE and SPARK as specialized service-delivery models rather than assuming that either program is interchangeable with every Mild/Moderate special-class placement an elementary student might require. The documents do not, by themselves, establish the programs' complete placement criteria, grade spans, capacity, referral procedures, or whether every elementary IEP team can select either program whenever individualized need warrants that placement. Those matters remain appropriate subjects for CDE investigation.

The existence of STRIVE and SPARK narrows, but does not eliminate, the systemic issue presented by this complaint. IDEA does not require GGUSD to maintain a traditional program bearing the exact label "Mild/Moderate SDC." The relevant question is whether the placements actually available are sufficient to implement each student's IEP and whether an IEP team can obtain an appropriate special-class placement without requiring the student to fit the particular therapeutic, behavioral, academic, regulation, or other profile of an existing specialized program.

Accordingly, CDE should determine what placement is available when an elementary IEP team concludes that a student cannot be satisfactorily educated for most of the instructional day in general education with supplementary aids and services, but the student's needs do not appropriately fit STRIVE's intensive social-emotional/behavior-regulation model, SPARK's specialized

academic/regulation model, or a Moderate/Severe placement, or when an otherwise appropriate specialized program is unavailable because of grade span, capacity, or other program limitations.

This inquiry is consistent with federal guidance emphasizing that the continuum must be available to the extent necessary to implement each child's IEP and that placement decisions may not be made solely on factors such as disability category, availability of services, configuration of the service-delivery system, available space, or administrative convenience.

VII. GGUSD Preschool Continuum and Transition to TK/Kindergarten

GGUSD's own preschool materials demonstrate that the District recognizes differentiated service-delivery models within a preschool continuum. The District's Preschool Language Development Program pamphlet describes the GGUSD Special Education Preschool Program as offering a continuum of early-intervention programs and services for preschool-aged children with Individualized Education Programs. The pamphlet further describes embedded programming that includes daily Specialized Academic Instruction, intensive behavior instruction, whole-group and small-group instruction, exploratory play, sensory/fine/gross-motor activities, recess, and inclusion opportunities. See Exhibits G and H.

GGUSD's August 8, 2024 ECEC Opening Staff Meeting presentation provides additional evidence regarding that continuum. The District identifies "Blended Inclusion State Preschool Classes," reports that two such inclusion state-preschool classes were operating during the 2024-2025 school year, and states that the District considers the program part of the "continuum of services we offer at initial IEPs." The presentation also separately discusses ECEC classrooms, State Preschool programming, State Preschool Blended classes, and dual enrollment. See Exhibit I. GGEA relies on the 2024 presentation as evidence of the structure of the preschool service-delivery system, not as a standalone allegation outside the complaint period.

These materials are significant because they show that GGUSD itself recognizes at the preschool level that blended inclusion is one service-delivery configuration within a broader range of preschool services. GGEA does not contend that every child receiving specialized preschool services should remain in a special class upon entering TK or kindergarten, nor that a preschool placement predetermines the child's elementary placement. Each transition placement must be determined individually by the IEP team based on the child's current needs.

The compliance question is whether the range of placements genuinely available to students narrows at the transition to TK or kindergarten because of GGUSD's elementary program configuration. In particular, CDE should determine what placement is available when a transitioning student continues to require a level of specialized instruction that cannot satisfactorily be provided for most of the instructional day in general education with supplementary aids and services, but the student does not appropriately fit STRIVE, SPARK, or a Moderate/Severe program.

The 2024 ECEC staff presentation also identifies a formal transition-IEP process, stating that transition IEPs may be scheduled beginning in the third week of February. This provides an identifiable set of records through which CDE can evaluate actual transition practices during the applicable complaint period. CDE should compare students' final preschool IEPs, transition IEPs, Prior Written Notices, service minutes, program settings, general-education participation, and placements actually implemented in TK or kindergarten to determine whether placement decisions were individualized or constrained by program configuration, eligibility criteria, grade spans, capacity, or availability. See Exhibit I.

VIII. Distinction Between Mild-to-Moderate Support Needs and Actual Program Setting and Placement

GGEA has now reviewed current SEIS screens relevant to this issue. Those records do not support an allegation that RSP and SDC designations have been eliminated from SEIS. To the contrary, the SEIS Student Demographics screen contains a separate 'SpEd Type' field with options including RSP, Speech Only, SDC, DIS Only, and Inclusion. See Exhibit L.

A separate SEIS CALPADS screen contains a 'Degree of Support' field. In the attached example, that field identifies the student as 'MMSN - Mild to Moderate Support Needs.' The same screen separately reports the student's 'Program Setting' as '400 - Regular Classroom/Public Day School' and separately reports a general-education participation percentage. See Exhibit M. The structure of these fields demonstrates that a Mild-to-Moderate Support Needs designation is not itself an educational placement.

This distinction is consistent with current CDE CALPADS guidance. Beginning with the 2025–26 Fall 1 submission, CDE made Degree of Support a required PLAN-file data element. CDE explains that the field is used, together with other data, for special-education assignment monitoring. The existence of that reporting field therefore should not be treated as proof that California or GGUSD replaced RSP, SDC, or individualized placement determinations with a single Mild-to-Moderate program category.

The relevant systemic question is instead how GGUSD uses these distinct fields and concepts in actual elementary IEP and placement practice. CDE should determine whether elementary students identified as having Mild-to-Moderate Support Needs are presumptively assigned to an inclusion/push-in/pull-out model unless they fit STRIVE, SPARK, or another specialized program, or whether IEP teams genuinely consider and can obtain the full continuum of placements based on each student's individualized needs.

IX. Current Systemic Concern

The central question is not whether GGUSD uses the label 'Mild/Moderate SDC.' Federal law does not require a particular local program name at every school. The question is whether an elementary IEP team can genuinely select and obtain an appropriate special-class placement when a student's individualized needs require that point on the continuum.

GGEA has reason to believe that the consequences of GGUSD's elementary program restructuring remain ongoing. A recent transfer situation further illustrates the concern: GGEA became aware of an elementary student entering GGUSD with an existing IEP calling for a self-contained Mild/Moderate placement, but the student was placed in a general education classroom when the incoming placement reportedly could not be implemented in the same form. GGEA offers this circumstance as evidence warranting systemic investigation and asks CDE to obtain the underlying records to determine what placement options were considered, what comparable services were offered, and whether the resulting placement was individualized. See Exhibit F.

The District's preschool materials provide a second basis for current investigation. They show that GGUSD has described blended inclusion as one component of a preschool continuum and has maintained a defined transition-IEP process. CDE can therefore test whether students moving from preschool into TK/K continue to have meaningful access to the full range of placements required by their individual IEPs, or whether elementary program configuration narrows the options actually considered or offered.

X. Numbered Allegations

Allegation 1 — Failure to Ensure a Continuum of Alternative Placements

During the applicable one-year complaint period, GGUSD has failed, or may be failing, to ensure that a continuum of alternative placements is actually available to meet the needs of elementary students with disabilities, contrary to 34 C.F.R. §§ 300.114–300.116 and applicable California special education law.

Specifically, GGUSD publicly identifies Special Day Classes as part of its continuum and operates specialized elementary SDC programs, including STRIVE and SPARK. GGEA requests that CDE determine whether those specialized programs, together with other placements GGUSD can access, are sufficient and genuinely available to every elementary student whose individualized needs require Mild/Moderate special-class instruction, including students who do not fit the particular program profile of STRIVE or SPARK.

Allegation 2 — Systemic Predetermination Based on Service-Delivery Configuration

The limited configuration of elementary Mild/Moderate special-class options may result in placement decisions being constrained or predetermined by GGUSD's existing K–6 service-delivery system. Under 34 C.F.R. § 300.116, placement must be based on the child's IEP and made by the appropriate placement group after consideration of the child's individual circumstances and placement options.

GGEA requests that CDE determine whether GGUSD personnel are formally or informally directed that elementary students with Mild/Moderate support needs must be served through general education with push-in/pull-out programming unless they meet the specific profile or criteria for STRIVE, SPARK, or another existing specialized program.

Allegation 3 — Failure to Make Individualized LRE Determinations

To the extent GGUSD treats general-education inclusion with push-in/pull-out services as the default or effectively mandatory elementary placement for students with Mild/Moderate support needs, GGUSD may be substituting a districtwide program model for the individualized placement determination required by IDEA.

GGEA requests that CDE determine whether elementary IEP teams are permitted and equipped to consider the complete continuum and whether placement decisions are actually based on each student's IEP rather than the programs GGUSD happens to operate.

Allegation 4 — Discrepancy Between GGUSD's Represented and Actual Continuum

GGUSD's public materials state that Special Day Classes are part of the continuum and that programs should be built around student needs. If an appropriate special-class placement for elementary students with Mild/Moderate support needs has been eliminated from the options genuinely available to IEP teams, GGUSD's publicly stated continuum may not accurately describe the placements actually available.

GGEA requests that CDE compare GGUSD's 2026-27 Local Plan certifications, Annual Service Plan, Attachment VI service-location reporting, public materials, internal program inventories, IEP-team guidance, and actual student placements to determine whether the represented continuum corresponds to current practice. In doing so, CDE should distinguish between services reported as available at a site and the alternative educational placements actually available to an IEP team; the

existence of Specialized Academic Instruction or another service code at a school does not, standing alone, establish the availability of a special-class placement.

Allegation 5 — Preschool-to-TK/K Placement Constrained by Program Availability

GGUSD's own preschool materials recognize differentiated preschool service-delivery models, including blended inclusion as part of the continuum offered at initial IEPs. During the applicable complaint period, the preschool-to-elementary transition process may nevertheless have constrained placement decisions if the range of programs genuinely available at TK/K was narrower than the range necessary to implement individual transition IEPs. GGEA requests that CDE determine which placements were genuinely available at TK/K and whether each transition placement was based on the student's current IEP and needs rather than program configuration, eligibility criteria, grade span, capacity, or availability.

Allegation 6 — Mild-to-Moderate Support Designation Must Remain Distinct from Placement

Current SEIS records distinguish 'SpEd Type,' 'Degree of Support,' 'Program Setting,' and general-education participation. GGEA therefore does not allege that RSP and SDC designations have been eliminated from SEIS. GGEA requests that CDE determine whether GGUSD's actual elementary practice nevertheless treats the MMSN designation as presumptively corresponding to general-education inclusion with push-in/pull-out services, except for students who meet the profile of an existing specialized program, rather than independently determining placement from the continuum based on each student's IEP.

Allegation 7 — Whether Specialized SDC Programs Leave a Gap in the Elementary Continuum

GGUSD's own STRIVE Staff Handbook and SPARK teacher job description confirm that these are specialized programs directed to particular combinations of student need. STRIVE is expressly self-contained and built around social-emotional support, coping skills, behavior regulation, counseling, corrective teaching, de-escalation, and a tiered transition toward mainstream settings. SPARK is described as a specialized Mild/Moderate program focused on academic instruction, sensory and behavior regulation, executive functioning, and social-skills development. The issue is whether these specialized models are available and appropriate for the full range of elementary students who require Mild/Moderate special-class instruction, including a student whose IEP requires a special class but whose needs do not appropriately fit either specialized model.

GGEA requests that CDE determine the eligibility and placement criteria, student profiles, grade spans, capacity, enrollment, referral procedures, staffing, curriculum, instructional minutes, and entrance/exit criteria for STRIVE and SPARK; how the STRIVE tier system and SPARK program design interact with IEP placement decisions; whether an IEP team may select either placement based on individualized need; and what placement GGUSD provides when a student requires Mild/Moderate special-class instruction but STRIVE, SPARK, and Moderate/Severe programs are not appropriate or available.

XI. Requested Investigation

GGEA respectfully requests that CDE obtain and review information primarily within GGUSD's possession, including:

1. A list of every special education classroom/program operated or accessed by GGUSD during the 2025–2026 and 2026–2027 school years, identifying school, grade span, program type, and whether the program constitutes general-education/inclusion, resource/pull-out, special-class, separate-school, or another placement.

2. The number and location of Mild/Moderate Special Day Classes or functionally equivalent special-class placements serving elementary students.
3. The number and location of Mild/Moderate special-class placements serving intermediate and high-school students.
4. The number and location of Moderate/Severe special-class placements serving elementary students.
5. District directives, memoranda, training materials, presentations, administrator guidance, education-specialist guidance, and other documents concerning elementary inclusion, push-in/pull-out services, and Mild/Moderate placement.
6. IEP-team training and guidance regarding the continuum of alternative placements and LRE.
7. Documents explaining what an elementary IEP team is instructed to do when it determines that general education with supplementary aids, push-in, pull-out, or resource services is insufficient but a Moderate/Severe program is not appropriate.
8. Records showing whether elementary students have been offered Mild/Moderate special-class or functionally equivalent placements during the complaint period and, if so, where those placements were provided.
9. Records concerning elementary students transferring into GGUSD with IEPs specifying Mild/Moderate special-class placements and how GGUSD implemented, adopted, or revised those placements.
10. Prior Written Notices and IEP records, with appropriate confidentiality protections, in which an elementary parent or IEP team requested or considered a Mild/Moderate special-class placement.
11. Any interdistrict, county, SELPA, nonpublic-school, or other arrangements GGUSD contends satisfy its obligation to make an appropriate special-class placement available when required by an elementary student's IEP.
12. Current program capacity, enrollment, staffing, and waiting-list information relevant to whether such placements are genuinely available rather than merely listed as theoretical options.
13. For students who transitioned from GGUSD special education preschool/ECEC programming to TK or kindergarten during the 2025-2026 and 2026-2027 school years: aggregate counts by preschool program/service configuration and elementary placement; and a representative sample of final preschool IEPs, transition IEPs, Prior Written Notices, service minutes, program settings, general-education participation percentages, and placements actually implemented, with appropriate confidentiality protections.
14. Records showing whether transitioning students whose preschool IEPs reflected substantial Specialized Academic Instruction or more intensive preschool programming were offered a Mild/Moderate special-class or functionally appropriate special-class placement at TK/K when needed, together with any guidance provided to staff or parents regarding the placements available at transition.

The current and applicable prior-year GGUSD preschool/ECEC program descriptions, class inventories, staffing and enrollment data, and written guidance distinguishing ECEC classrooms, State Preschool, Blended Inclusion State Preschool classes, dual-enrollment arrangements, and other preschool service configurations.

Records and staff guidance governing preschool transition IEPs, including the criteria and process used to identify the TK/K placement options considered for each transitioning student and any documents describing how preschool service intensity is translated into elementary placement and services.

15. Current SEIS/IEP screens, service and placement menus, drop-down options, procedural manuals, data dictionaries, training materials, and staff guidance explaining the relationship among SpEd Type, Degree of Support, Program Setting, general-education participation percentage, services, and educational placement.

16. Documents explaining how GGUSD determines and records 'MMSN - Mild to Moderate Support Needs,' how that designation is used in IEP development and staffing, and whether it affects or limits the placement options presented to elementary IEP teams.
17. Records sufficient to determine how GGUSD currently distinguishes, in IEP offers and placement decisions, among an elementary student appropriately served through RSP/resource support, inclusion/push-in/pull-out services, a Special Day Class, STRIVE, SPARK, a Moderate/Severe program, or another placement.
18. For each elementary and preschool site listed in the 2026-27 Attachment VI, an explanation of the educational placement(s) in which each reported special education service code is delivered, including whether Code 330 Specialized Academic Instruction/Specially Designed Instruction is delivered through general-education push-in, pull-out/resource support, a special class, or another placement at that site.
19. Identification of every elementary site at which GGUSD contends a general-purpose Mild/Moderate special-class placement is currently available, distinct from STRIVE, SPARK, and Moderate/Severe programming, together with the grade spans, capacity, enrollment, staffing, referral/placement procedures, IEP coding, and program descriptions for each such placement.
20. Documents sufficient to reconcile the 2026-27 Annual Service Plan and Attachment VI with GGUSD's actual placement continuum, including any crosswalk, data dictionary, coding guidance, or internal instructions explaining which reported service codes correspond to which placement types and how IEP teams determine whether a student requires a different placement rather than additional services within an existing placement.
21. The current STRIVE Staff Handbook and all documents supplementing or superseding it, including formal entrance and exit criteria, student profiles, current grade spans and locations, capacity and enrollment, staffing ratios, referral and placement procedures, instructional minutes, IEP placement coding, written guidance to IEP teams, and records explaining how the handbook's tiered movement between self-contained and mainstream settings is implemented through individual IEP decisions.
22. The April 17, 2025 SPARK Mild-Moderate teacher job description and all program documents supplementing it, including formal entrance and exit criteria, student profiles, current grade spans and locations, capacity and enrollment, staffing ratios, referral and placement procedures, curriculum, instructional minutes, IEP placement coding, and written guidance explaining how SPARK's academic, sensory/behavior-regulation, executive-functioning, and social-skills model is matched to individual student needs.
23. Records showing whether STRIVE or SPARK has declined, deferred, wait-listed, or otherwise not served an elementary student whose IEP team considered a special-class placement, and the alternative placement provided in each such circumstance, with appropriate confidentiality protections.
24. A written explanation of the placement GGUSD makes available when an elementary student requires Mild/Moderate special-class instruction but does not meet the profile or criteria for STRIVE or SPARK and does not require a Moderate/Severe program.
25. For TK and kindergarten specifically, identification of every Mild/Moderate special-class placement available to an IEP team, including whether STRIVE serves those grade levels and whether SPARK or any functionally equivalent academic Mild/Moderate special-class option is available.

XII. Requested Corrective Action

If CDE substantiates any allegation, GGEA respectfully requests corrective action sufficient to remedy both affected students and future systemic compliance, including as appropriate:

26. Require GGUSD to ensure that a genuine continuum of alternative placements is available to elementary students, including an appropriate special-class option when required by an individual student's needs.

27. Require GGUSD to revise any policy, practice, administrative directive, training, or service-delivery model that categorically limits elementary students with Mild/Moderate support needs to general education with push-in/pull-out services.
28. Require written guidance to administrators and IEP-team members explaining that placement decisions must be individualized, based on the student's IEP, and not predetermined by the configuration or availability of GGUSD programs.
29. Require GGUSD to accurately identify in its Local Plan, Annual Service Plan, Attachment VI, website, parent materials, and staff guidance both the special education services reported at each site and the alternative placements actually available at each grade span, so that service availability is not presented or treated as a substitute for a genuine placement continuum.
30. Require training for special education administrators, site administrators, education specialists, school psychologists, general education teachers, and other appropriate IEP-team participants concerning 34 C.F.R. §§ 300.114–300.116.

Require GGUSD, if CDE identifies noncompliance in preschool-to-TK/K transitions, to issue written transition guidance ensuring that IEP teams consider the full continuum based on each child's current needs and that no placement is excluded because of elementary program configuration, eligibility criteria, grade span, capacity, or administrative convenience.

31. Require GGUSD to identify elementary students during the corrective-action period whose placement may have been affected by the absence, unavailability, limited capacity, or inappropriate program fit of a needed special-class option.
32. Require GGUSD to reconvene IEP teams for affected students where appropriate so that placement can be considered with the complete continuum genuinely available.
33. Require individualized determinations regarding compensatory education or other corrective services for students denied appropriate services because a necessary placement was unavailable.
34. Require monitoring and reporting sufficient for CDE to verify that corrective actions are implemented and sustained.
35. Order any additional systemic or student-specific corrective action CDE determines necessary to ensure compliance with IDEA and California special education law.
36. Require GGUSD, if CDE identifies a gap between general-education inclusion and its specialized STRIVE, SPARK, or Moderate/Severe programs, to establish or arrange access to an appropriate special-class placement sufficient to implement the IEPs of students whose individualized needs do not appropriately fit the specialized programs GGUSD currently operates.

XIII. Conclusion

GGEA supports appropriate inclusion of students with disabilities in general education classrooms. Inclusion, however, cannot replace the individualized placement process required by IDEA.

The least restrictive environment is determined for each student based on that student's IEP and individual needs. A continuum is meaningful only if the placement options required to implement those individualized decisions are genuinely available.

GGUSD itself states that the goal is to build programs around students' needs rather than fit students into existing programs. GGEA asks CDE to determine whether that principle is actually being followed at the elementary level and whether the configuration, eligibility criteria, grade spans, capacity, or availability of existing Mild/Moderate special-class options leaves any systemic gap in GGUSD's elementary continuum.

GGEA respectfully requests that CDE investigate the allegations above and order appropriate corrective action if noncompliance is substantiated.

Verification and Certificate of Service

I declare that the factual statements in this complaint are true and correct to the best of my knowledge, information, and belief, and that this complaint is submitted on behalf of the Garden Grove Education Association.

Date: OCTOBER 5, 2026

Signature: 
Paul Kim, Executive Director
Garden Grove Education Association

I further certify that a copy of this complaint, including its exhibits, was provided to the Garden Grove Unified School District at the same time the complaint was filed with the California Department of Education.

Method of service to GGUSD: ☒ Email ☐ U.S. Mail ☐ Hand Delivery ☐ Other: _____

Date served: OCTOBER 5, 2026

Signature: 

Filing Information

California Department of Education
Special Education Division — Dispute Resolution Services Unit
1430 N Street, Suite 2401
Sacramento, CA 95814-5901

Email: speceducation@cde.ca.gov

Fax: 916-327-3704

Exhibit List

Exhibit	Description
Exhibit A	GGUSD Special Education webpage (current department landing page and link index).
Exhibit B	GGUSD, A Continuum of Services webpage, including the listed placement continuum.
Exhibit C	GGUSD, April 17, 2018 Special Education Board Presentation, including the K-6 push-in/pull-out and Mild/Moderate blended-program materials.
Exhibit D	GGUSD SELPA 2026-27 Local Plan, Section A: Contacts and Certifications (relevant excerpts: PDF pages 1, 2, 5, 8, and 10), including single-LEA SELPA status, adoption/certification, and IDEA/state-law compliance assurances.
Exhibit E	GGUSD SELPA 2026-27 Annual Service Plan (entire 15-page PDF) and Attachment VI - Specialized Academic Instruction/Specially Designed Instruction and Related Services (entire 3-page attachment), including service descriptions and site-specific service-location reporting.
Exhibit F	Redacted records concerning the recent elementary transfer student and GGUSD's placement/services upon transfer.
Exhibit G	GGUSD Special Education Preschool webpage
Exhibit H	GGUSD Preschool Language Development Program / Special Education Preschool Program Information pamphlet, describing a continuum of early-intervention programs and embedded specialized instruction and inclusion opportunities.
Exhibit I	GGUSD ECEC 2024-2025 Opening Staff Meeting presentation, August 8, 2024, including Blended Inclusion State Preschool Classes, the preschool continuum, dual enrollment, and transition-IEP scheduling.
Exhibit J	GGUSD STRIVE Program Behavior Regulation Education Model Staff Handbook, including the District description of STRIVE as a self-contained therapeutic-centered program, its behavior-regulation model, and its tiered progression toward mainstream settings.
Exhibit K	GGUSD Office of Personnel Services, Certified Job Description, Educational Specialist, Mild-Moderate Teacher - SPARK, Classroom

	(revised April 17, 2025), describing SPARK as a specialized program focused on academic instruction, sensory and behavior regulation, executive functioning, and social-skills development.
Exhibit L	Redacted SEIS Student Demographics screen showing the separate 'SpEd Type' options, including RSP, SDC, and Inclusion.
Exhibit M	Redacted SEIS CALPADS (Student) screen showing 'MMSN - Mild to Moderate Support Needs' as Degree of Support and separately showing Program Setting and general-education participation percentage.