

Manhattan Beach Unified School District
09-02-1407

Resolution Agreement

To resolve the issues raised by the above-referenced complaint regarding Mira Costa High School filed with the U. S. Department of Education, Office for Civil Rights, the Manhattan Beach Unified School District agrees to take the following actions:

Issue 1: Options for students who need specialized instruction:

By September 1, 2004, the District will define special education program options that provide direct, explicit instruction in core curriculum areas to students at Mira Costa High School for whom Special Day Class is not appropriate, but who are nonetheless unable to participate successfully with supplementary services and aids in mainstream and/or college preparatory classes because of their disabilities.

Issue 2: Modifications

The District will create written guidance for Mira Costa High School teachers, parents and IEP team participants, outlining common disability-related accommodations and/or modifications to tests and/or courses and their effect on graduation requirements. This guidance will address the types of adaptations that may result in students obtaining graduation credit, but not college preparatory credit, and the types of adaptations that change the content of tests and/or courses so fundamentally as to make graduation credit inappropriate. The guidance will describe the standards to be applied by IEP teams in determining the effect on graduation and/or college preparatory credit of any proposed test and/or course accommodations and/or modifications. The guidance will be completed by December 1, 2004 and distributed to all regular and special education staff at Mira Costa High School by February 1, 2005.

The guidance will help ensure that no qualified student with a disability will be denied a high school diploma, or graduation credit for a high school class, solely on the grounds that his or her mastery of the course standards and content was assessed through alternate tests and/or coursework. Specifically, the guidance will explain that changes to tests and/or coursework that do not fundamentally alter the tests and/or course will not independently cause the denial of a high school diploma or graduation credit. The guidance will also explain the guidelines and/or standards relied upon by the District when determining whether changes to tests and/or coursework fundamentally alter the nature of the test and/or course, resulting in the denial of graduation credit and/or a high school diploma.

The guidance will explain that the Individualized Education Program ("IEP") team shall make it clear when changes in tests or coursework fundamentally alter the test or course. IEP teams will determine appropriate test and/or course accommodations and modifications. In determining the course accommodations and/or modifications to be provided for students with disabilities in general education classes, IEP teams will consider all appropriate accommodations and/or modifications needed to assist students master course content and help ensure that their knowledge and skills are appropriately assessed. If the District determines that, with the test and/or coursework changes deemed appropriate by an IEP team, a student cannot satisfy the test or course requirements and that the student is therefore ineligible for graduation credit for that test and/or course, the parents will be so advised. Under those circumstances, the parents will be given the option of reconvening the IEP team to discuss whether changes that do not impair the validity of the test or course may be appropriate.

Issue 3: Communicating options to parents and teachers:

The District will develop clear and comprehensive descriptions of the range of program options for students with disabilities, including the options clarified in Issue 1, above. The descriptions will include information about how and in what setting services may be provided, if and how state and local standards may be met and whether the student will work toward graduation with a diploma. A draft of the descriptions will be provided to OCR for comment and review by September 1, 2004.

On or before October 31, 2004, the District will send the descriptions of all program options available at Mira Costa High School to all parents of students with disabilities who are currently enrolled at Mira Costa High School or District middle schools that feed into Mira Costa High School. Concurrently, the District will make a written offer to all parents of Mira Costa High School students with disabilities to meet and discuss the placement options. The District will act on any meeting requests within a reasonable period of time, not to exceed 60 days.

Issue 4: AVID

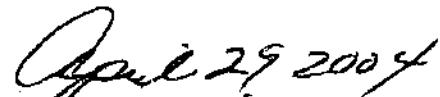
The District will review its current eligibility criteria for participation in AVID and, if necessary, revise those criteria in order to ensure that students with disabilities who meet AVID criteria with or without accommodations are not excluded from participation in AVID. In addition, no student will be excluded from AVID because of his or her need for, or participation in, the Learning Center program.

Reporting to OCR:

- a. On or before September 30, 2004, the District will provide OCR with a description of the program option outlined in Issue 1.
- b. On or before September 30, 2004, the District will provide OCR with a copy of the Guidance described in Issue 2.
- c. On or before September 30, 2004, the District will provide OCR with a copy of the program description outlined in Issue 3.
- d. On or before October 31, 2004, the District will provide OCR with a list of the parents who were sent an offer of a meeting to discuss placement options.
- e. On or before October 20, 2004, the District will provide OCR with a description of the results of the review of AVID criteria outlined in Issue 4.
- f. On or before October 1, 2004, and again on or before October 1, 2005, the District will provide OCR with the following information:
 1. A list of the students who are receiving services pursuant to the program option defined in Issue 1, along with a brief description of the method by which services are being delivered;
 2. A list of all students with IEPs or Section 504 plans currently enrolled in AVID classes. Please indicate whether the students also are enrolled in the Learning Center.
 3. A list of all students with IEPs or Section 504 plans who applied to participate in the AVID program. If any of these students did not ultimately participate in the program, an explanation of the reason, if known, for nonparticipation.



Dr. Gwen Gross
Superintendent



Date