



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

REGION IX  
Old Federal Building  
50 United Nations Plaza, Room 239  
San Francisco, California 94102

JUN 13 2006

Deborah Blair Porter

(In reply, please refer to Docket # 09-02-1407.)

Dear Ms. Porter:

On April 29, 2004, the Manhattan Beach Unified School District agreed to implement a Resolution Agreement to resolve compliance determinations made by the Office for Civil Rights regarding services for students with disabilities at Mira Costa High School. OCR had found that the School had been implementing a model of special education services that enabled most students with disabilities to enroll in mainstream classes, while receiving support in a "Learning Center," rather than taking traditional resource specialist program (RSP) classes. OCR concluded that this model, as implemented at the time of the investigation, did not include an option that met the individual needs of some students with disabilities who required direct and explicit instruction in certain subject areas. OCR also found that the District did not provide parents and teachers with clear information about program options and available accommodations.

In its Resolution Agreement, the District agreed to 1) identify program options for students at the School who need direct, explicit instruction in core curriculum areas; 2) Create a clear explanation of modifications to tests and/or courses and the affect of these modifications on students' ability to receive high school graduation and college preparatory credit; 3) develop clear and comprehensive descriptions of the range of program options available to students with disabilities at the School; and 4) review its criteria for admission to the District's Advancement Via Individualized Determination (AVID) program to ensure that they did not discriminate against qualified students with disabilities. The District has submitted several reports to OCR as required by the Agreement, and conducted conference calls with OCR staff. The purpose of this letter is to summarize the actions taken by the District and formally close the monitoring phase of this case.

In August of 2004, the District provided OCR with a "continuum of program options" chart that outlined the college preparatory, general education and special day class (SDC) offerings at the School. The School indicated that it had decided to create an RSP English class for 9<sup>th</sup> grade, and a 9<sup>th</sup> grade earth science class team-taught by an RSP teacher and general education teacher. The School also added aide support in

mathematics and biology sections and continued to provide students the option of enrolling in the Learning Center, in addition to college prep or general education classes, to receive additional support.

In October of 2004, the District provided OCR with a "program options" document that described the courses of study available for students who need specialized instruction. The document also explained the difference between a "modification" and "accommodation," as required by the Agreement.

In December of 2004, the District reported revising its AVID criteria to eliminate use of CAT 6 examination scores as one of the criteria to screen students for eligibility. The Agreement had required the District to review its eligibility criteria for participation in AVID and, if necessary, revise those criteria in order to ensure that students with disabilities are not excluded from participation. The District later reported to OCR that the new criteria had the effect of significantly increasing the number and proportion of students with IEPs and Section 504 plans in the AVID program.

On December 8, 2005, OCR staff conducted a conference call with District staff to discuss the information that the District had provided. The District and School staff reviewed the range of classes for students who enter the high school after enrolling in the special education program at the middle school. These options included the ninth grade RSP English class and the team-taught earth science class, as well as science and mathematics classes with special education instructional assistants. In addition, the School offers reading classes to students, including those with disabilities, who need additional support in reading decoding, fluency or comprehension. OCR discussed its concern that "direct explicit instruction" designed for students with disabilities was still not available in mathematics. District staff described a broad range of pre-algebra, algebra and geometry classes that are currently available to students at the School, and indicated their belief that these classes provide a sufficient range of options to meet the needs of students with disabilities.

The District provided its last report on February 27, 2006. The data confirmed that the District had sent parents a letter in February of 2006 describing the range of program options, and the availability and effect of accommodations and modifications. This same information was also provided to all teachers and IEP team members. The data further confirmed that the School has assigned special education instructional assistants to a range of classes, including math, science, English (CP and basic), social studies and electives.

In a conference call with the District on March 15, 2006, OCR again discussed with the District the limited availability of courses offering direct, explicit instruction designed for students with disabilities, especially in mathematics. The District confirmed that it is continuing to monitor student needs and District is working with the middle school to ensure better articulation between the two schools for students in special education.

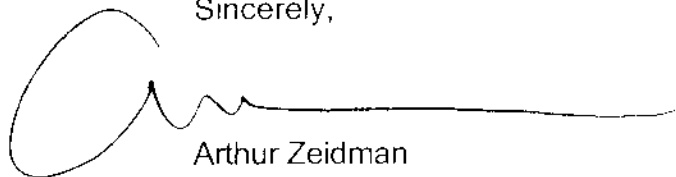
The School indicated its understanding that, if an IEP team determined that placement in regular math classes with learning center and/or aide support was not sufficient for an individual student, and that more direct instruction was required, such instruction would be provided.

Upon review, OCR determined that the District has substantially completed all of the elements required by the Resolution Agreement. The District has developed an expanded range of options for students with disabilities, including a number of content area courses in which the scope and pace of instruction is adjusted to improve student comprehension; an increased number of courses taught, or team-taught by special education teachers; and the placement of special education instructional assistants in a wide variety of classes. In light of the absence of evidence that students who currently required direct explicit instruction were not receiving it, and based on the School's commitment to provide such instruction where necessary, and to continue to monitor the Learning Center model and provide services based on need, OCR concluded that the requirements of the Resolution Agreement concerning program options had been met. OCR further determined that the District had developed written descriptions of the available program options, and of the differences between test and/or course accommodations and modifications, and that this information had been provided to parents, teachers, and IEP team members. Finally, OCR concluded that the District had fulfilled the requirements of the Agreement that concern AVID entry criteria, and has adopted new criteria that allow significantly increased participation in the AVID program by students with disabilities.

The monitoring phase of this case is now complete.

If you have any further questions, please call Ms. Ava Law, at (415) 556-4224 or Katherine Riggs, at (415) 556-4160.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arthur Zeidman'. The signature is fluid and cursive, with a large initial 'A' and a long horizontal stroke extending to the right.

Arthur Zeidman  
Regional Director  
San Francisco Office for Civil Rights