



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

July 14, 2003

Ms. Deborah Blair Porter

Manhattan Beach, California 90266

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

Dear Ms. Porter:

This letter is in reference to your discrimination complaint against the Manhattan Beach Unified School District. You allege that the District has failed to provide students with disabilities at Mira Costa High School a free, appropriate public education. OCR understands your complaint to allege the following:

1. The District has denied students with disabilities at the high school a free appropriate public education (FAPE) by failing to offer a full continuum of placement options designed to meet their individual educational needs as adequately as the needs of nondisabled students are met;
2. The District has denied students with disabilities an equal opportunity to graduate from high school by failing to provide them with instruction in all areas of the core curriculum and in all essential academic standards.
3. The District has denied students with disabilities access to college preparatory, advanced placement, and honors courses by refusing to provide accommodations or modifications for students with disabilities in these classes, and by informing their parents that students who receive accommodations and modifications will not receive graduation credit for the courses;
4. The District has failed to provide students with disabilities who are enrolled in regular education classes the special education and related aids and services specified in their individualized educational programs (IEPs);
5. The District has failed to provide parents of students with disabilities with equal access to counseling and information provided to parents of nondisabled students concerning graduation requirements, academic standards, student assessment, and other education issues;

6. Students with disabilities are not educated with nondisabled students to the maximum extent appropriate to their needs; and
7. Students with disabilities are excluded from programs of remediation provided to nondisabled students who are identified as being at risk of failing the high school exit examination or for retention.

OCR enforces Section 504 of the Rehabilitation Act of 1973 and its implementing regulation. Section 504 prohibits discrimination on the basis of disability in programs and activities operated by recipients of Federal financial assistance. OCR also has jurisdiction as a designated agency under Title II of the Americans with Disabilities Act of 1990 and its implementing regulation over complaints alleging discrimination on the basis of disability that are filed against certain public entities. The District receives Department funds, is a public education system, and is subject to the requirements of Section 504 and Title II.

OCR has determined that the allegations stated above are appropriate for OCR will proceed to resolve this complaint.

Complaints may be resolved in a variety of ways, including:

- a facilitated resolution between the parties;
- voluntary action initiated by the District that OCR determines fully resolves the allegation(s) consistent with applicable legal standards; or
- an investigation of the allegations by OCR with findings regarding whether the District is complying with the applicable regulatory provisions. In the event noncompliance is found, the District would be requested to take appropriate action to comply with applicable law and regulations.

In your correspondence, you also allege that the California State Department of Education (CDE) has failed to enforce the Individuals with Disabilities Education Act (IDEA) and monitor systemic and individual noncompliance issues in the District. In accordance with a Memorandum of Understanding between the Office of Special Education Programs (OSEP), OCR is responsible for the resolution of complaints alleging treatment that would constitute a violation of both Section 504/Title II and the Individuals with Disabilities Education Act (IDEA). However, the OCR resolution process can only determine a recipient's compliance status with Section 504 and Title II. OCR has determined that the allegation regarding CDE only states a claim of potential violation of IDEA, not of Section 504 or Title II. Accordingly, OCR is forwarding your complaint against CDE to OSEP. An OSEP representative will

contact you about this complaint. For your information, the relevant address and telephone number for OSEP is noted below:

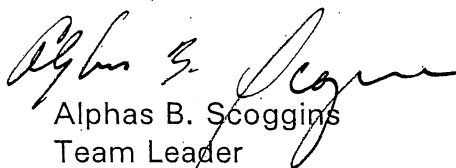
Judith Schrag, Director
Office of Special Education Programs
U.S. Department of Education
300 C Street, Room 3086, SW
Washington, DC 20202-2570
(202) 205-5507

Federal regulations prohibit the District from retaliating against you or from intimidating, threatening, coercing, or harassing you or anyone else because you filed a complaint with OCR or because you or anyone else take part in the complaint resolution process. Contact OCR if you believe such actions should occur.

Under the Freedom of Information Act, it may be necessary to release this document and related records upon request. In the event that OCR receives such a request, it will seek to protect, to the extent provided by law, personal information which, if released, one could reasonably expect to constitute an unwarranted invasion of privacy.

If you have any questions, please contact Nicole Larkin,

Sincerely,


Alphas B. Scoggins
Team Leader