

CALIFORNIA DEPARTMENT OF EDUCATION COMPLIANCE INVESTIGATION CASE # S-0462-01/02

[REDACTED]
(Complainant)

Bonita Unified School District
(Public Education Agency)

[REDACTED]
(Student)

115 W. Allen Avenue
San Dimas, CA 91773-1437
(Address)

Sharon Crosswell
(Complaint Investigator)

Robert C. Otto, Ed.D.
(Superintendent)

Los Angeles
(County)

CITATION:

Education Code (EC) section (§) 49069

ALLEGATION:

Failure to provide all pupil records within the required timeline

METHOD OF INVESTIGATION:

Telephone interviews were conducted with the Complainant (father) and the District Coordinator of Special Education. All relevant documentation was reviewed for this compliance report.

POSITION OF PARTIES:

1. The Complainant alleges that the District failed to provide a "complete educational" file within the required timeline.
2. The District asserts that the student's records were mailed to the Complainant within the required timeline.

EVIDENCE:

1. In the 11-21-01 letter of complaint the Complainant states, "...On October 29 [2001], I made a written demand for [student's] COMPLETE school record...Since that time the District has sent an INCOMPLETE file and, is therefore, once again in violation of the law. Some (although, quite possibly, not all) of the missing documents that they did not send include: 1. The second page of the IEP held on June 16, 2000 by my son's previous school district...2. Any copies of my son's progress reports...3. Notice of school events, such as parent conferences...4. Records from the 'assessment' they allegedly performed, last year, which seemingly included only the 'WRAT-3'...5. A copy of his current report card...6. Copies of immunization records..."
 2. The District's 12-17-01 response to the complaint states, "...On October 29, 2001, [the Complainant] prepared and sent by facsimile to [name of school] a letter addressed to [name], Principal [in which records were requested]...On or about November 2, 2001, the District Special Education Department staff informed [the Complainant] by telephone that the cost of photocopying [student's] records would be \$7.60. On November 7, 2001, the District Special Education Department received a letter from [the Complainant] dated October 29, 2001 where he stated, Enclosed is a check..."
 3. The District further states, "...Upon receiving [the Complainant's] check, the District called him and asked him whether he wanted to pick up the records or receive them by mail. [The Complainant] responded that the District could mail the records to him. On November 9, 2001, the District mailed the records to [the Complainant]..."
 4. In a telephone interview on 1-8-02 with the Special Education Director she stated that the Complainant was provided with every record in the student's file.
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FINDINGS OF FACT:

1. The District mailed the records to the Complainant on 11-9-01, eleven days after the request was made.
2. The District failed to provide pupil records within the required 5-day timeline.

CONCLUSION:

The District is out of compliance.

REQUIRED CORRECTIVE ACTIONS:

Within 30 days of receipt of this compliance report, the District will provide evidence that a memorandum has been sent to all site administrators outlining the provisions of EC § 49069. The memorandum will emphasize the District's requirement of providing copies of all educational/student records within the 5-day timeline of a parent request and that the timeline does not start after the parent has paid for the records. Acceptable evidence would be a copy of the memorandum.

EVIDENCE OF REQUIRED CORRECTIVE ACTION SHALL BE SENT DIRECTLY TO:

California Department of Education
 Special Education Division
 Focused Monitoring and Technical Assistance Unit One
 Attention: Robert Evans, Manager
 515 L Street, Suite #270
 Sacramento, CA 95814

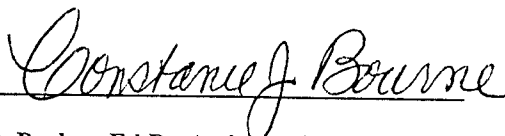
REQUEST FOR RECONSIDERATION

Either party, via U.S. mail, may ask the Superintendent of Public Instruction for a reconsideration by writing directly to: California Department of Education, Special Education Complaints Management and Mediation Unit, 515 L Street, Suite 270, Sacramento, CA 95814, Attention: Complaint Reconsideration. Do not send by facsimile (FAX) or e-mail. The Department will acknowledge the request within 15 days. The reconsideration process is a discretionary process and not legally required. However, the Department maintains high standards for the investigation process and report development, and supports a review of those cases where the following requirements are met:

The request for reconsideration must be made within 40 days of the date of compliance report. This timeline includes 5 days for the mailing of the report and an additional 35 days from the receipt of the compliance report. Your request for reconsideration must be documented as a concern regarding: (1) procedural requirements (For example, the Complainant must have had the opportunity to provide information to the investigator), (2) accuracy of evidence that affects the conclusion of compliance/noncompliance (For example, new information is provided that was not requested during the investigation that may affect the determination of compliance), and/or (3) a disagreement with the conclusion of compliance/noncompliance (For example, conflicting citations or requirements).

After acknowledging the request for reconsideration, the Department will review the new information provided. When the review is completed, a letter will be issued outlining any further action or amendment to the original complaint. Although a timeline is not established for the reconsideration of a complaint, the Department's intention is to process each request for reconsideration in a timely manner.

Pending the Superintendent's reconsideration, this compliance report and all corrective actions remain in effect and enforceable, per Title 5, California Code of Regulations section 4665(a). A request for reconsideration does not suspend prescribed timelines for corrective actions.



Alice D. Parker, Ed.D., Assistant Superintendent
 Director, Special Education Division

Date: 1/9/02