

CALIFORNIA DEPARTMENT OF EDUCATION

COMPLIANCE INVESTIGATION CASE # S-0718-01/02

██████████
(Complainant)

Bonita Unified School District
(Public Education Agency)

██████████
(Student)

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

Katè Schaffer
(Complaint Investigator)

Robert C. Otto
(Superintendent)

Los Angeles
(County)

CITATION:

Title 34, Code of Federal Regulations section 300.504

ALLEGATION:

Failure to adhere to notification requirements of procedural safeguards (rights for a meeting)

METHOD OF INVESTIGATION:

The evidence for this compliance report was obtained from telephone interviews conducted with the Complainant (father) on 04/16/02 and the District Special Education representative on 04/17/02. A letter requesting additional documentation was faxed to the District on 04/03/02. A response to the 4/03/02 fax was received on 04/11/02. All documentation submitted by the Complainant and District was reviewed in the completion of this compliance investigation report.

During the course of the investigation it was discovered that there are disagreements in services and placements. Disputes concerning services and placements are appropriately handled in due process. A due process hearing request should be submitted in writing to Special Education Hearing Office, Institute for Administrative Justice, McGeorge School of Law, 3200 5th Avenue, Sacramento, CA 95817, (916) 739-7066). Complaints of discrimination need to be filed with the Office for Civil Rights: Office for Civil Rights, US Department of Education; Region IX, Old Federal Building; 50 United Nations Plaza, Room 239; San Francisco, CA 94102; (415) 556-6770.

POSITION OF PARTIES:

1. The Complainant alleges that the District did not attach a copy of the Parent Rights to IEP meeting invitation notice.
2. The District agrees that it did not attach a copy of the Parent Rights to the IEP meeting invitation notice.

EVIDENCE:

1. In the 02/28/02 letter of complaint, the father alleges "...7. I received the written "Invitation to an Individual Education/Transition Program Planning Meeting," via certified return-receipt U.S. mail on Tuesday morning, February 26, 2002. This notice did not, however, contain the Notice of Parent Rights as required by Education Code Section 56301. The district, therefore, should be again be considered out of compliance with state law..."
 2. In a 04/16/02 telephone interview with the complaint investigator, the father indicated that the District is required by law to send a copy of the Parent Rights with the IEP meeting invitation notice and they failed to do so. The father further contended that the District's Director of Special Education informed both he and his advocate that she would be handing the Parent Rights documents directly to parents at the IEP team meeting (03/01/02).
 3. In a letter dated 04/11/02, from the District to the complaint investigator, the District contends the father received a copy of the Parent Rights at the 03/01/02 IEP meeting along with the Assessment Plan dated 11/02/01. The father signed that he received these documents in both instances.
 4. In a telephone interview with the investigator, the District Special Education Director stated that a copy of Parent Rights was not attached to the IEP invitation notice.
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FINDINGS OF FACT:

1. The Complainant did receive a copy of the Parent Rights on 11/02/01 and 03/01/02.
2. The District did not attach a copy of the Parent Rights to the IEP invitation notice.

CONCLUSION:

The District is out of compliance.

REQUIRED CORRECTIVE ACTIONS:

By June 7, 2002, the District shall provide evidence that a memo has been sent to all Special Education employees indicating that the Parent Rights document should be attached to the IEP meeting invitation notices. Acceptable evidence should include a copy of the memo addressing the inclusion of Parent Rights with the IEP meeting invitation notice and a copy of the distribution list of persons the memo was sent to.

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
 (916) 445-4741

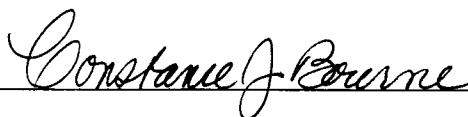
REQUEST FOR RECONSIDERATION

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: 6/3/02