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September 8, 2014

Dr. David Rostetter, Independent Monitor
Office of the Independent Monitor
Los Angeles Unified School District
333 South Beaudry Avenue, 18th Floor
Los Angeles, California 90017

Re: ***Smith v. Los Angeles Unified School District***
United States District Court, No. CV-93-7044-RSWL

Dear Dr. Rostetter:

In accordance with Section 14 of the Modified Consent Decree, on June 9, 2014 Plaintiff's counsel provided the District with written notice of intent to file a complaint with your office regarding the failure of the District to comply with the terms of the Modified Consent Decree. *See* Exhibit A. On July 14, 2014, in response to a request from the District for more detailed information, Plaintiffs provided the District with declarations and supporting documentation. *See* Exhibit B. On August 11, 2014, the parties conducted an informal meet and confer in an attempt to resolve the matter by mutual agreement. No such resolution was reached.

This letter constitutes a formal written complaint in accordance with Section 14 of the Modified Consent Decree. Plaintiffs' allege that the District is currently in systemic violation of its obligations under the IDEA in the following ways:

1. Decisions regarding the placement, services, and supports which the District will provide to individual students are, as a matter of policy and regular practice, made outside of the IEP process.
2. District representatives/ administrative designees present at individual IEP meetings are neither knowledgeable about the availability of District resources, nor authorized to offer the provision of those resources as part of the regular IEP process.
3. District members of individual IEP meetings who are service providers are systematically prohibited from exercising their independent judgment in recommending the type and amount of service to be provided to individual students. Rather, they are required to defer to decisions about services dictated

by supervisors outside of the IEP process.

- 4(a). District policy prohibits individual IEP teams from making decisions about moving a student to a more restrictive placement. Rather, District policy requires that all such decisions be made after the meeting is recessed to satisfy District-imposed requirements for additional assessment and administrative review of the placement decision.
- 4(b). Conversely, the District routinely initiates the process to move students to less restrictive placements prior to and outside of individual IEP meetings.
5. The District's current policy prohibits assessment for and provision of Educationally Related Mental Health Services to all students whose primary basis of eligibility for special education is Intellectual Disability.

In light of the District's substantial noncompliance with its legal obligations, we seek the following remedies:

1. Provide District employees who are members of IEP teams with authority to act on the decisions of the collected team without seeking outside approval or being constrained by administrative decisions made prior to the IEP meeting.
2. Ensure that District representatives/administrative designees present at individual IEP meetings have sufficient knowledge about the availability of District resources to educate team members about possible placements, services, and supports available for individual students, and given them authority to offer those resources as part of the regular IEP process.
3. Allow service providers who are District employees to recommend the type and amount of service they believe is appropriate and necessary for the child whose IEP is under consideration rather than requiring them to receive prior administrative approval for offering or even discussing the level of services that their professional judgment leads them to believe is appropriate.
4. Remove unlawful procedural and administrative barriers to the offer of more restrictive placements by individual IEP teams.
5. Establish and publish District policies setting forth criteria for moving students from RTC to NPS placement and from NPS placement to District placements. These policies must explicitly prohibit District personnel from unilaterally initiating changes from more to less restrictive placements outside of the IEP process.
6. The District must immediately end and explicitly prohibit the practice of discriminating against students with Intellectual Disability with respect to evaluation for and provision of Educationally Related Mental Health Services.

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Having met our obligation to meet and confer, and having reached no resolution, we respectfully submit this complaint for your consideration.

Sincerely yours,

ROBERT M. MYERS

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cc: Diane Pappas, Chief Education & Litigation Counsel
Deneen Cox, Assistant General Counsel
Sharyn Howell, Executive Director