

Gwen E. Gross, Ph.D.
Superintendent



Manhattan Beach Unified School District

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325 South Peck Avenue • Manhattan Beach • California 90266 • (310) 318-7345 • FAX (310) 303-3822

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT STATEMENT REGARDING PORTER SETTLEMENT

FOR IMMEDIATE RELEASE
August 17, 2005

Board Contact: Lynette Campbell, President
District Contact: Dr. Gwen E. Gross, Supt.
310-318-7345, Ext. 5902

The Manhattan Beach Unified School District ("District") has reached a settlement agreement with the Plaintiffs in the matter of Porter v. Board of Trustees of Manhattan Beach Unified School District, et al., Case No. 00-08402 GAF (RNBx).

Today the District is pleased to announce that a federal district court judge has approved the settlement agreement in this matter, a critical development that will bring resolution and closure to the dispute between the District and the Student and his family. The District intends to fully comply with the terms and conditions of the settlement agreement to ensure that this Student receives the agreed-upon services and education. While there may have been areas of disagreement in the past, both parties have negotiated intensively to produce this settlement agreement and to reach consensus about meeting the Student's unique educational needs.

The District takes very seriously its legal obligations to this Student and to the District's entire special needs community, and is committed to ensuring that each and every student with a disability receives a free and appropriate public education. As the District moves forward after this settlement agreement, it will continue to seek out and identify areas in which improvements can be made. Over the past year, the District has already taken action to improve special education programs and services, including the provision of numerous hours of staff training; adding new special education positions such as an Autism Specialist and Intensive Behavior Intervention Aides; expanding the continuum of services available to students with disabilities; adding classes and services for preschool students with disabilities; developing a Special Education Procedural Handbook; and developing specific special education program goals to be completed by July of 2006.

The settlement agreement calls for the continuation of the Special Master, who has been directing and monitoring this Student's education since November of 2004, to continue to manage his education through June 30, 2007. Among other duties, the Special Master will have responsibility for implementing the student's individualized education plan ("IEP"), including approving any changes to it and overseeing the IEP team meetings and scheduling process.

This settlement agreement will not significantly impact the District's budget or ability to operate its schools in the same manner that it has in the past. The District will pay \$500,000 in \$100,000 increments over the course of the next five years. Additionally, the District will pay \$565,825 for the education of the Student through June 30, 2007, as directed by the Special Master. The balance of the settlement amount will be paid by the California Department of Education and two joint powers authorities of which the District is a member.

Of the \$6.7 million settlement amount, approximately \$1.131 million will be available to the Student over the next two years, as directed by the Special Master over the next two years; approximately \$1.6 million will be deposited in a "special needs trust" for the Student's benefit; approximately \$2.4 million will be deposited in a trust for the benefit of John and Deborah Porter and the Student; and the law firm representing the Student and his family will receive \$1.6 million for their attorney fees and costs. For a more detailed breakdown of the settlement distribution, please see the following chart entitled, "Sources of Settlement."

Sources of Settlement

Distribution of Settlement	Amount	Source of Funds	When Payments are Due
Special Master's Fund for Services to Student over Next Two Years	\$1,131,650	\$565,825 (Manhattan Beach Unified School District) \$565,825 (California Department of Education)	From May 1, 2005, through June 30, 2007, as directed by the Special Master
Special Needs Trust for Student	\$1,580,000	\$4,400,000 (Alliance of Schools for Cooperative Insurance Programs & Schools Excess Liability Fund) \$700,000 (California Department of Education) \$500,000 (Manhattan Beach Unified School District)	30 days from Court approval
Trust for Deborah Blair Porter, John Porter and Student	\$2,370,000		
Wyner & Tiffany	\$1,650,000		
TOTAL	\$6,731,650		

The settlement agreement resolves all outstanding claims by the Student and his family against the District, including those pending in a lawsuit filed against it in United States District Court.



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Porter Settlement Fact Sheet

- The Alliance of Schools for Cooperative Insurance Programs and the Schools Excess Liability Fund, two joint powers authorities, are responsible for \$4,400,000 of the \$6.7 million settlement amount
- The California Department of Education is responsible for \$1,265,825 of the \$6.7 million settlement amount.
- Manhattan Beach Unified School District is responsible for \$1,065,825 of the \$6.7 million settlement amount.
- In exchange for accepting the settlement agreement, Plaintiffs' counsel will dismiss the lawsuit against the Manhattan Beach Unified School District pending in federal court.
- The settlement resolves multiple claims and causes of action brought by Plaintiffs against the District, including claims for relief for compensatory education brought under state and federal law.
- The settlement calls for a Special Master, who began overseeing the Student's education in November of 2004, to continue to direct and monitor his educational needs through June 30, 2007.
- The settlement brings to a close six years of administrative and legal proceedings between the District and representatives of the Plaintiffs.
- Of the \$6.7 million settlement amount, approximately \$1.131 million will be available to the Student over the next two years, as directed by the Special Master; approximately \$1.6 million will be deposited in a "special needs trust" for the Student's benefit; approximately \$2.4 million will be deposited in a trust for the benefit of John and Deborah Porter and the Student; and the law firm representing the Student and his family will receive \$1.6 million for their attorney fees and costs.
- The District has instituted several actions in an effort to improve its special education programs and services, including expanding the number of services available to students with disabilities, hiring a District-wide Autism Specialist, increasing training for teachers and administrators, and developing a Special Education Procedural Handbook.