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February 24, 2006

VIA FACSIMILE 562.653.3333 ONLY

Joshua E. Morrison, Esq.
ATKINSON, ANDELSON, LOYA, RUUD & ROMO
A Professional Corporation
17871 Park Plaza Drive, Suite 200
Cerritos, CA 90703-8597

RE: Santa Monica Community College District
Request for Reinstatement of Des Manttari and Dustin Curran re: ET 18 Storyboarding

Dear Mr. Morrison:

It has come to my attention that your client, Santa Monica Community College District, through Academy of Entertainment and Technology instructor Jim Keeshen, is denying equal access to Santa Monica College students Des Manttari and Dustin Curran. Specifically, both Ms. Manttari and Mr. Curran have enrolled for Spring semester 2006 in Professor Keeshen's ET 18 Storyboarding class. Both students have paid the fees in full.

Professor Keeshen switched his course to another time and date. Both Mr. Curran and Ms. Manttari were subjected to a section with a new professor with standing room only status. When Ms. Manttari approached Professor Keeshen on the first day of class, Wednesday, February 15, 2006 to take the course, Professor Keeshen informed her that the course was full. However, there were only 9 students in a course with a maximum enrollment capacity of 24 students. When Ms. Manttari indicated that there were only 9 students, Professor Keeshen allegedly responded that the class was cancelled. In fact, your client Santa Monica College had in fact cancelled the class due to low enrollment and then re-opened it in an alleged attempt to circumvent students from taking the course.

However, the following week, on Wednesday, February 22, 2006, Mr. Curran approached Professor Keeshen about taking the course with him. At this time, there were now 20 students in the course. Mr. Curran is informed and believes and thereon alleges that other students from the overflowed section were allowed to transfer into this section. However, Professor Keeshen denied Mr. Curran access to the class under the thin veil that the course was full and despite the fact that the maximum capacity for this course is set at 24 students. Despite Professor Keeshen's contentions, he allegedly allowed other students that day to enroll into his course, providing them with an instructor approval code.

Mr. Curran has indicated that there is a co-requisite course requirement for this ET 18 Storyboarding course, to wit, ET 2 Storytelling. Mr. Curran is informed and believes and thereon alleges that Professor Keeshen during the course of that class session asked for a show of hands of how many students had met this requirement. When several students admitted that they had not in fact met this co-requisite, Professor Keeshen allegedly stated, "Lying is better than not lying" or words to that effect. Despite the failure to meet this mandated co-requisite, these students were allowed to not only enroll in this course, but to remain by Professor Keeshen. The class continued that day with 21 students, 3 students below the maximum capacity. Clearly, there

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was not only room for both Mr. Curran and Ms. Manttari, but Professor Keeshen allowed other students into the course when Mr. Curran and Ms. Manttari had already been enrolled and paid their fees to take this course specifically with Professor Keeshen.

This course is a requirement for the alleged Game Development Career Certificate that both Mr. Curran and Ms. Manttari have designated as their course of study at Santa Monica College. Additionally, this course is a required pre-requisite that allows access to other courses in their career certificate. Professor Keeshen has extensive experience teaching this course while the other professor does not.

Both Mr. Curran and Ms. Manttari feel that they are being denied equal access to a public education vocational course at your client's school. Both Mr. Curran and Ms. Manttari are students with disabilities. Specifically, Mr. Curran has learning disabilities while Ms. Manttari has a hearing impairment due to severe auditory processing problems. At the time Professor Keeshen denied access to both these students, he was aware of their disabilities. Not only has Professor Keeshen had both Mr. Curran in two of his courses, Ms. Manttari worked for a year at Santa Monica College as Professor Keeshen's teaching assistant.

Despite his knowledge, he is deliberately refusing to accommodate them in his class. In fact, he switched himself at the last minute into another section after students enrolled in ET 18 to specifically take the course with him and did not inform any of the students that this was transpiring.

According to your client's website, "Santa Monica College, as a public institution of higher education which receives federal assistance, is legally bound to prohibit discrimination in the recruitment process, the admission process and the educational process of students with disabilities."

Your client's website further states the following:

The [Rehabilitation Act of 1973](#) and the [Americans with Disabilities Act \(ADA\)](#) prohibit discrimination against students with disabilities. These laws state that no qualified individual with a disability shall, solely by reason of his/her disability, be excluded from the participation in, or be denied the benefits of, or be subjected to discrimination under any program, activity or services of any public entity. The [1998 amendment to Section 508 of the Rehabilitation Act](#) specifically addresses equal access to electronic and information technology.

California state law [SB105](#), signed into law in September of 2002, noted that anyone receiving state funds must also comply with Section 508. These 508 requirements have been incorporated into Government Code section 11135, which is the basic state nondiscrimination statute enforced by the Chancellor's Office.

SB 105 removes any grey area that may have existed in the interpretation of Section 508 as a federal law and its jurisdiction over the California systems of higher education.

Disabilities involve a physical and/or mental impairment, which may not be directly observable. The laws define a person with a disability as any person who has a physical or mental impairment which substantially limits one or more major life activities, such as performing manual tasks, walking, seeing, hearing, speaking, breathing and learning. Some of the disabilities covered by legislation include AIDS, cancer, cerebral palsy, epilepsy, head injuries,

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hearing impairments, learning disabilities, multiple sclerosis, psychiatric disorders, speech and visual impairments. [emphasis added].

At the time that Professor Keeshen denied access to both Mr. Curran and Ms. Manttari in his ET 18 Storyboarding course, he did so with conscious disregard for their rights and in retaliation for free speech, free press, access to public information, and a redress of grievances conducted by both Mr. Curran and Ms. Manttari, all of which are not only constitutionally protected activities but which are also encapsulated in Santa Monica College's Board Policy pertaining to the

Student Bill of Rights and the California Education Code. Specifically, Mr. Curran has accompanied Ms. Manttari on numerous requests for public records belonging to Santa Monica College and has attended meetings with Vice President of Planning and Development, Robert Sammis, to resolve public records requests under the California Public Records Act. Some of the public records requested pertained to Professor Keeshen.

Additionally, Ms. Manttari is protected from retaliation for writing articles based on public records and court documents pertaining to Santa Monica College, the Academy of Entertainment and Technology, Jim Keeshen, or any other public servant. All articles written to date are fairly and accurately described. However, at all times, the employees and students of Santa Monica Community College District, including Professor Keeshen, have had ample opportunity to post comments on Ms. Manttari's SAVE SMC weblog to supplement, oppose, correct, or amend any information written about them should they choose so. Ms. Manttari is also protected from retaliation by Santa Monica College for articles written in the school's Corsair publication about her, Professor Keeshen, or the current California Public Records Act lawsuit filed by our office.

Under California Law and the First Amendment, the media, including student media, are permitted to write stories based on public court documents. The California Student Free Expression Law grants students more protection against administrative censorship. Professor Keeshen should not be allowed to retaliate against Ms. Manttari simply because he feels a well-researched article by her is controversial or causes him discomfort, especially given the ongoing opportunities to comment on these same articles.

To allow Professor Keeshen to deny access to both Mr. Curran and Ms. Manttari for exercising their various constitutional rights is to set a dangerous precedent at Santa Monica College. Since Ms. Manttari has written about other professors and administrators at the Academy of Entertainment and Technology in her online news site, these professors could conceivably follow Professor Keeshen's pattern and deny access to her and other students who express free speech opinions and pen articles pertaining to public information issues.

By copy of this letter, we ask that both Mr. Curran and Ms. Manttari be allowed to attend Professor Jim Keeshen's ET 18 Storyboarding course (section 3077) and that Professor Keeshen provide them with an instructor's approval code forthwith so that they can successfully enroll in this course before the next meeting on Wednesday, March 1, 2006. Both Mr. Curran's and Ms. Manttari's informal attempt at resolution in this matter has been unsuccessful. Absent this authorization, please be advised that Santa Monica College may be subjected to court intervention or other litigation in order to defend these students' rights.

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Thank you for your prompt attention regarding this matter.

Sincerely,

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Edward Y. Lee

cc: Des Manttari
Dustin Curran