



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

50 BEALE ST., SUITE 7200
SAN FRANCISCO, CA 94105

REGION IX
CALIFORNIA

May 2, 2014

Ms. Julie Hall-Panameño
Director-Education Equity Compliance Office
Office of General Counsel
Los Angeles Unified School District
333 South Beaudry Avenue, 20th Floor
Los Angeles, CA 90017

(In reply, please refer to case nos. 09-13-1476/09-13-1487.)

Dear Ms. Hall-Panameño:

In a letter dated November 8, 2013, the U.S. Department of Education, Office for Civil Rights (OCR), notified you of a complaint filed against the Los Angeles Unified (District) alleging discrimination based on disability. The Complainant¹ alleged that the District failed to respond appropriately and effectively to a July 30, 2013 complaint alleging disability based harassment towards the Student and the District failed to implement the Student's Individualized Education Program (IEP) during the 2012-2013 school year.

As explained below, prior to reaching findings of fact or conclusions of law in this matter, OCR accepted a resolution agreement from the District that resolves the complaint allegations. As such, OCR is closing the investigative activity of this matter as of the date of this letter.

OCR enforces Section 504 of the Rehabilitation Act of 1973 and its implementing regulation. Section 504 prohibits discrimination on the basis of disability in programs and activities operated by recipients of Federal financial assistance. OCR also has jurisdiction as a designated agency under Title II of the Americans with Disabilities Act of 1990 and its implementing regulation over complaints alleging discrimination on the basis of disability that are filed against certain public entities. The District receives Department funds, is a public education system, and is subject to the requirements of Section 504 and Title II.

Pursuant to section 302 of its *Case Processing Manual* (CPM), a complaint may be resolved at any time before the conclusion of an investigation if the recipient expresses an interest in resolving the complaint.

After OCR began its investigation, the District provided OCR with data responsive to OCR's investigation. After gathering information about the complaint through its own preliminary investigative steps, the District offered to proactively address the issues via a voluntary Section 302 Agreement to Resolve (Agreement). The District, without admitting any violation of the law, signed the enclosed Agreement. The Agreement will fully address all of the issues raised in this complaint.

¹ OCR notified the District of the Complainant and the Student's identities in its November 8, 2013 letter and is withholding their names from this letter to protect their privacy.

As indicated in the Agreement, the District has committed to providing professional development to the Calahan Community Charter School administrators and staff as well as the administrators at the Education Service Centers regarding their responsibilities under the District's Uniform Complaint Procedures when a student or parent/guardian makes a complaint of discrimination. The District will also complete an investigation under its Uniform Complaint Procedures into the allegation that the Student was subjected to disability harassment in 2013 and will provide OCR with a report of the outcome of the investigation. The District will further offer to convene an IEP team meeting with the Complainant to discuss the educational needs of the Student, including whether the Student needs counseling or other support to address any ongoing effects of his interactions with the other students. The District will report these activities to OCR as indicated in the Agreement.

OCR has determined that the actions taken by the District and its commitments expressed in the enclosed Agreement, when implemented, will resolve the issues in this complaint and is closing this matter as of the date of this letter. OCR will monitor the implementation of the enclosed Agreement and may reopen the investigation if the District does not implement the provisions of the Agreement. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Under the Freedom of Information Act, it may be necessary to release this document and related records upon request. In the event that OCR receives such a request, it will seek to protect, to the extent provided by law, personal information that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

OCR thanks you and your staff for your cooperation and assistance in resolving this matter. If you have any questions, please contact Carolyn Wade, Civil Rights Investigator, at (415) 486-5563, or Kana Yang, Civil Rights Attorney, at (415) 486-5382.

Sincerely,

/s/

Anamaria Loya
Team Leader

Enclosure

cc: Dr. Liane Jacobs, Calahan Community Charter