



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

REGION IX  
CALIFORNIA

December 23, 2013

Dr. Gary Yee, Ed.D  
Superintendent  
Oakland Unified School District  
Office of the Superintendent  
1000 Broadway, Suite 680  
Oakland, California 94607

(In reply, please refer to case no. 09-14-1040)

Dear Superintendent Yee,

On November 14, 2013, the U.S. Department of Education, Office for Civil Rights (OCR), notified you of this complaint against the Oakland Unified School District (District). The complaint alleged that the District discriminated on the basis of disability against the Student<sup>1</sup> by denying the Student a free appropriate public education (FAPE) by failing to evaluate the Student and failing to respond to a request for a Section 504 team meeting.

Prior to OCR concluding its investigation and reaching a compliance determination, the District expressed its willingness to resolve these issues voluntarily. Under Article III, Section 302, of OCR's Case Processing Manual, a complaint may be resolved at any time before the conclusion of an investigation when the recipient expresses an interest in resolving the complaint. OCR determined that it was appropriate to resolve this complaint under Section 302. On December 20, 2013, the District agreed to the enclosed Resolution Agreement. OCR has also determined that when implemented, the Resolution Agreement will resolve the issues in this case. Based on the commitments made in the Resolution Agreement, OCR is closing the investigative phase of the case as of the date of this letter. The District will remain subject to OCR monitoring until the terms of the Resolution Agreement are completed. OCR is informing the Complainant of its decision by concurrent letter.

Please be advised that the District may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the complainant may file another complaint alleging such treatment.

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<sup>1</sup> OCR notified the District of the identity of the complainant and the Student when the investigation began. We are withholding their names from this letter to protect their privacy.

OCR complainants may file a private suit in federal court whether or not OCR makes a compliance determination.

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 privacy.

This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

We appreciate the District's cooperation in the expeditious resolution of this complaint. If you have any questions about this letter, please call Carolyn Wade at (415) 486-5563, or Gloria Guinto at (415) 486-5519.

Sincerely,

*/s/*

Zachary Pelchat  
Team Leader

Enclosure

cc: XXXXXXXXXXX XXXXX (via email)