



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION IX
CALIFORNIA

February 6, 2015

Mr. Jose Banda
Superintendent
Sacramento City Unified School District
5735 47th Avenue
Sacramento, California 95824

(In reply, please refer to Docket # 09-14-1323.)

Dear Superintendent Banda:

In a letter dated June 10, 2014, the U.S. Department of Education (Department), Office for Civil Rights (OCR), notified you it had accepted a complaint filed against the Sacramento City Unified School District (District) alleging discrimination based on disability. Specifically, the Complainant alleged that the District discriminated against the Complainant's son (Student) by failing to provide a prompt and equitable response to an allegation of disability discrimination, and that the District failed to evaluate the Student and offer him an appropriate placement in a timely manner and disciplined him for behavior related to his disability.

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 initiated its investigation of the complaint under the authority of Section 504 of the Rehabilitation Act of 1973 and its implementing regulation, which 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), OCR has the ability to close a complaint if, prior to the conclusion of its investigation, the recipient expresses an interest in resolving the complaint and agrees to resolve the issues in the complaint under appropriate legal standards.

After OCR began its investigation, the District provided OCR with information responsive to OCR's investigation, and OCR staff spoke with District counsel on multiple occasions to clarify the information. After conducting these preliminary

investigative steps, the District determined to proactively address the issues raised in this complaint via a Section 302 Agreement between OCR and the District. The District, without admitting any violation of the law, signed the enclosed 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 the investigation of 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.

OCR is informing the Complainant of the complaint resolution by concurrent letter. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

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 individual may file a complaint with OCR alleging such treatment.

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.

If you have any questions, please contact David Howard, Civil Rights Investigator, at (415) 486-5523.

Sincerely,

/s/

Mary Beth McLeod
Team Leader

Enclosure