



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

REGION IX  
CALIFORNIA

May 11, 2015

Fred Van Vleck, Ed.D.  
Superintendent  
Eureka City Schools  
2100 J Street  
Eureka California 95501

(In reply, please refer to case no. 09-15-1180.)

Dear Superintendent Van Vleck:

On March 17, 2015, the U.S. Department of Education, Office for Civil Rights (OCR) notified you that it had received a complaint against the Eureka City Schools (District) alleging disability discrimination. The Complainant<sup>1</sup> on behalf of Student alleged that the District discriminated against the Student on the basis of disability. Specifically, the complaint alleges that the District failed to implement a provision of the Student's Section 504 plan for a personal assistant to enable him to participate in running practices and meets.

Prior to the conclusion of the OCR investigation, and before OCR reached compliance determinations, the District expressed an interest in taking action to resolve the allegations in this complaint via OCR's Rapid Resolution Process (RRP). Under Article II, Section 207 and Article III, Section 302 of OCR's Case Processing Manual a complaint may be resolved before the conclusion of an investigation when the recipient expresses an interest in such a resolution and agrees to a resolution that is aligned with the complaint allegations and consistent with applicable regulations. On May 1, 2015, the District provided OCR with a signed Resolution Agreement (Agreement). As such, OCR is closing the investigative activity of this matter as of the date of this letter.

#### Legal Authority

OCR investigated the complaint under the authority of 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

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

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

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.

Conclusion

OCR concludes that the actions agreed to by the District in the enclosed Resolution Agreement will resolve the compliance issues in this case. OCR will monitor the implementation of the Resolution Agreement.

This concludes OCR's investigation of the complaint and should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter.

This letter sets forth OCR's determination in an individual OCR case. 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.

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.

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 correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

We wish to thank the District, especially Carl D. Corbin, legal counsel for her cooperation and assistance in resolving this matter. If you have any questions about this letter or OCR's resolution of this complaint, please contact G. Anthony Brown, Civil Rights Attorney, at (415) 486-5547.

Sincerely,

/s/

James Wood  
Team Leader

cc: Carl D. Corbin, Esq.