



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

REGION IX  
CALIFORNIA

April 8, 2014

Mr. Jon R. Gundry  
Superintendent  
Pasadena Unified School District  
351 South Hudson Avenue  
Pasadena, California 91109

(In reply, please refer to case no. 09-13-1221.)

Dear Superintendent Gundry:

In a letter dated April 12, 2013, the U.S. Department of Education (Department), Office for Civil Rights (OCR), notified you of a complaint filed against the Pasadena Unified School District (District) alleging discrimination based on race/color, and retaliation. Specifically, the complainant<sup>1</sup> alleged that the District discriminates against African American student-athletes at Pasadena High School (School) by failing to offer an equal educational opportunity in physical education after their season of sport ends; and, after raising this issue with District and School administration, the complainant alleged that he suffered negative personnel actions.

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 investigated the complaint under the authority of Title VI of the Civil Rights Act of 1964. Title VI prohibits discrimination on the basis of race, color or national origin in education programs and activities operated by recipients of Federal financial assistance. The District receives Department funds, is a public education system, and is subject to the requirements of Title VI. The Title VI regulations, at 34 C.F.R. §100.7(e), prohibit school districts from intimidating, coercing, or retaliating against individuals because they engage in activities protected by Title VI.

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, OCR determines that the complaint's issues have been resolved or if the subject of the complaint expresses an interest in resolving the complaint and agrees to resolve the issues in the complaint under appropriate legal standards. The District, without admitting any violation of the law, signed the enclosed Agreement.

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<sup>1</sup> OCR notified the District of the complainant's identity in its April 12, 2013 letter and is withholding the name from this letter to protect the complainant's personal privacy.

After OCR began its investigation, the District provided OCR with data responsive to OCR's investigation, and OCR staff visited the School on May 23-24, 2013 to interview witnesses. 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. This Agreement is enclosed.

As indicated in the Agreement, the District has committed to revising its policies and practices regarding the physical education scheduling of all student-athletes after their season of sport ends, and will address the personnel concerns raised by the complainant.<sup>2</sup>

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.

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

Sincerely,

/s/

Zachary Pelchat  
Team Leader

cc: Mr. Gabriel Sandoval, Atkinson, Andelson, Loya, Rudd, and Romo (via email)

Enclosure

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<sup>2</sup> OCR did not complete its investigation of the retaliation issues raised by the complainant in this case and made no determination as to whether retaliation occurred; however, the District proactively sought to take steps to address the issues during the course of OCR's investigation. The enclosed Agreement will resolve the allegations raised.