



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION IX
CALIFORNIA

March 12, 2014

Joel Shawn, Ed.D.
Superintendent
Arcadia Unified School District
234 Campus Drive
Arcadia, California 91006

(In reply, please refer to case no. 09-14-1070)

Dear Dr. Shawn:

On December 6, 2013, the U.S. Department of Education, Office for Civil Rights (OCR), notified you of a complaint against the Arcadia Unified School District (Recipient). The Complainant alleged that the Recipient discriminated against the Student¹ on the basis of disability.

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.

OCR began the investigative process by gathering information from the Complainant and the Recipient. Prior to the completion of OCR's investigation, the Recipient expressed an interest in resolving the complaint through a resolution agreement (agreement) pursuant to Section 302 of OCR's Case Processing Manual. OCR determined that it was appropriate to resolve the complaint under this section.

On March 5, 2014, without admitting to any violation of the law, the Recipient signed the enclosed agreement to resolve this case. Pursuant to the agreement, the Recipient will ensure that the Outdoor Science School field trip (OSS) is described and the issue of attending the OSS will be discussed during the annual Individualized Education Plan

¹ OCR notified the District of the identities of the Complainant and the Student when the investigation was begun. We are withholding their names from this letter to protect their privacy.

(IEP) meeting for each student attending or placed in both the Gaining Opportunities for Achievement of Lifelong Skills (GOALS) class and the Moderately Developmentally Delayed (MDD) class at XXXX Middle School. Prior to the OSS for each school year, the IEP team will make an informed, individualized decision regarding whether and how each student can appropriately participate in the OSS and determine whether the student will attend the OSS for the entire duration of the OSS, some portion of it, or whether it is not appropriate for the student to participate. The team will also determine whether the student needs any support services in order to appropriately participate. OCR has determined that the implementation of this agreement will resolve the allegations made in this complaint.

Based upon the signed agreement, OCR is closing the investigative phase of this complaint as of the date of this letter, and will begin to monitor the implementation of the agreement. OCR is informing the Complainant by concurrent letter. The Complainant may have a right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the Recipient 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.

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.

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.

Your cooperation is appreciated. If you have any questions about the complaint, please call Robert Danese, Civil Rights Investigator, at (415) 486-5512.

Sincerely,

/s/

Sara Berman
Team Leader

Enclosure: Resolution Agreement
cc: Anahid Hoonanian, Lozano Smith LLP