



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

REGION IX  
CALIFORNIA

August 1, 2014

Dr. Steven Martinez  
Superintendent  
Twin Rivers Unified School District  
5115 Dudley Blvd., Bay A  
McClellan, California 95652

(In reply, please refer to case no. 09-14-1156)

Dear Superintendent Martinez:

The U.S. Department of Education, Office for Civil Rights (OCR), has completed its investigation of the above-referenced complaint filed against Twin Rivers Unified School District (District). The complainant alleged that the District provides significant assistance to after-school programs that deny students with disabilities with an equal opportunity to participate. Specifically, the complaint alleged that students with disabilities who needed routine or emergency medication did not have access to medication during after school program hours.

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 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 therefore subject to the requirements of Section 504 and Title II.

OCR began gathering evidence by interviewing the complainant and by reviewing documents and records submitted by the District and the complainant.

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 district expresses an interest in resolving the complaint. Prior to OCR concluding its investigation, the District expressed an interest to resolve the complaint voluntarily. OCR and the District entered into an agreement to resolve the complaint on July 31, 2014, which addresses the issues raised by the complaint. Accordingly, OCR did not complete its investigation or reach conclusions regarding the District's compliance with Section 504 and Title II.

Pursuant to the attached Agreement, the District has committed to adopt and disseminate to agencies participating or seeking to operate a before/after school program that would receive significant assistance, a procedure or written guidance specifying that in order to receive significant assistance from the District, the before and/or after school care program must ensure that it will not discriminate against individuals on the basis of disability. The procedure or written guidance will state that where necessary, in order for an individual with disabilities to be able to participate effectively, the program will be reasonably modified, including through the provision of supplementary aids and services, for example, the dispensation of medication for qualified students with disabilities who need medication during before/after school hours. The Agreement also requires the District to disseminate routinely a notice of non-discrimination to all parents or guardians of students upon enrollment in the before and after school care programs. The notice will state that if the parent or guardian believes his or her child has been discriminated against on the basis of disability by the program, the parent or guardian may file a complaint with the District under the District's discrimination complaint procedure. Lastly, the District has agreed to ensure that any before and/or after school programs operated by the District include in their medication policy and forms that they will make medications accessible to qualified students with disabilities who require medication during before/after school program hours, or on an emergency basis, and that any recommendations to arrange to have a student take medication outside of program hours is strictly voluntary and not a requirement of the program.

OCR is closing this complaint as of the date of this letter. OCR will monitor the District's implementation of the agreement. Resolution of this complaint 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.

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 another complaint alleging such treatment.

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.

OCR wishes to thank the District, and in particular Diane Marshall-Freeman, for the cooperation extended to OCR during the resolution process. If you have any questions about this letter, you may contact Rosalie Gendimenico at 415-486-5517 or [rosalie.gendimenico@ed.gov](mailto:rosalie.gendimenico@ed.gov) or Gemini McCasland at 415-486-5536 or [gemini.mccasland@ed.gov](mailto:gemini.mccasland@ed.gov).

Sincerely,

/s/

James Wood  
Team Leader

Enclosure

Cc: Diane Marshall-Freeman, Esq.  
Partner  
Fagen Friedman & Fulfrost LLP