



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION IX
CALIFORNIA

December 15, 2014

VIA STANDARD MAIL

Dr. Steven Keller
Superintendent
Redondo Beach Unified School District
1401 Inglewood Avenue
Redondo Beach, California 90278

(In reply, please refer to case no. 09-14-1374)

Dear Dr. Keller:

The U.S. Department of Education, Office for Civil Rights (OCR), has resolved the above-referenced complaint filed against Redondo Beach Unified School District (District). The Complainant, the parent of a student enrolled in the District, alleged that the District discriminated against the Student based on disability. Specifically, the complaint alleged that (1) the District failed to provide the Student with a free, appropriate public education (FAPE) by failing to evaluate and assess the Student in a timely manner in all areas of suspected disability and by not implementing the Student's 504 plan; and (2) the Student was subjected to harassment by District employees based on disability, and the District failed to respond appropriately and effectively to notice of the harassment.

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504) 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, as amended (Title II), 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.

To investigate this complaint, OCR reviewed information provided by the Complainant and the District. Before completion of the investigation, OCR and the District reached a voluntary agreement pursuant to Section 302 of OCR's Complaint Processing Manual.¹ The District, without admitting any violations of Federal law, signed the Agreement on December 9, 2014. Pursuant to the enclosed Agreement, the District will, in summary: (1) develop a system to

¹ The Complaint Processing Manual is publicly available at
<http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>

ensure that teachers are promptly provided with students' current 504 Plans and Individualized Education Programs (IEPs) and a system for tracking the prompt provision of such plans; (2) designate an individual at the school site who teachers will be encouraged to contact if they have any questions or concerns about such plans; (3) designate an administrator who will be responsible for working with students and parents who believe that a 504 plan is not being implemented in order to facilitate prompt and direct solutions at the school site (if needed). The District's protocols will be reviewed and approved by OCR prior to implementation, and the District will report back on its implementation at the end of the 2014-2015 school year. OCR will monitor the District's implementation of the Agreement.

Based upon the receipt of the signed Agreement, OCR is closing the investigative portion of this case. OCR is notifying the Complainant by concurrent letter. 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 complainant or other participant in the complaint resolution process 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 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 would like to thank you and your staff for cooperating in the resolution of this complaint. In particular, we appreciate the cooperation and assistance of Special Education Director Aaron Benton. If you have any questions, please contact Laura Welp, Attorney, at (415) 486-5577 or laura.welp@ed.gov.

Sincerely,

/s/

Anamaria Loya
Team Leader

Enclosure

Cc: Aaron Benton, Special Education Director
(By email only)