



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

REGION IX  
CALIFORNIA

January 29, 2015

Dr. Fred Brill  
Superintendent  
San Lorenzo Unified School District  
15510 Usher Street  
San Lorenzo, California 94580

(In reply, please refer to case no. 09-14-1473.)

Dear Superintendent Brill:

In a letter dated September 4, 2014, the U.S. Department of Education (Department), Office for Civil Rights (OCR), notified you of a complaint filed against the San Lorenzo Unified School District (District) alleging discrimination based on disability. Specifically, the complainant<sup>1</sup> alleged that the District discriminated against the complainant's son (Student) by failing to implement his Section 504 Plan and failing to provide a prompt and equitable response to an allegation of teacher on student disability harassment.

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 conducted its investigation of the complaint under the authority of Section 504 of the Rehabilitation Act of 1973 and its implementing regulation, which 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.

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, the recipient 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 September 4, 2014 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 information responsive to OCR's investigation, and OCR staff spoke with District administrators on December 16, 2014. 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.

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/

MaryBeth McLeod  
Team Leader

cc: Mr. Loren A. Carjulia; Dannis, Woliver, and Kelley, LLC

Enclosure