



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION IX
CALIFORNIA

October 5, 2015

Christopher Steinhauser
Superintendent
Long Beach Unified School District
1515 Hughes Way
Long Beach, CA 90810

(In reply, please refer to case no. 09-15-1203.)

Dear Superintendent Steinhauser:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its investigation of the above-referenced complaint filed against Long Beach Unified School District (District). The Complainant¹ alleged that the District discriminated on the basis of disability when the District excluded the Complainant and other persons with mobility impairments from participation in educational programs and meetings because the Jefferson Leadership Academy administration building is not accessible to individuals with disabilities in that:

1. The front entrance to the building is not accessible and;
2. There is no posted directional signage to the nearest accessible entrance to the building and;
3. The District failed to move a Student's Individualized Education Program (IEP) team meeting to an accessible location even though the District was aware of the Complainant's disability, that he was invited to attend the meeting by the Student's parent, and that the building was not accessible to him.

Prior to OCR gathering evidence or concluding its investigation and before OCR reached compliance determinations, the District expressed an interest in taking action to resolve the allegations in this complaint. Under Article III, Section 302 of OCR's Case Processing Manual a complaint may be resolved before the conclusion of an investigation when the recipient expresses an interest in such a resolution and agrees to a resolution that is aligned with the complaint allegations and consistent with

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

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

applicable regulations. On September 17, 2015, the District provided OCR with a signed Resolution Agreement (Agreement). As such, OCR is closing the investigative activity of this matter as of the date of this letter.

Legal Authority

OCR investigated the complaint under the authority of 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.

Conclusion

OCR concludes that the actions agreed to by the District in the enclosed Resolution Agreement will resolve the compliance issues in this case. OCR will monitor implementation of the Resolution Agreement.

This concludes OCR's investigation of the complaint and 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.

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 may file another complaint alleging such treatment.

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 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 would like to thank District representatives, particularly Nancy Mahan Lamb, Esq., for their courtesy and cooperation in resolving this case. If you have any questions

about this letter please contact G. Anthony Brown, at (415) 486-5547, or me, at (415) 486-5555.

Sincerely,

/s/

James Wood
Team Leader

Enclosure

Cc: Nancy Mahan Lamb, Esq.