



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION IX
CALIFORNIA

December 21, 2015

Mr. Darin Brawley
Superintendent
Compton Unified School District
501 South Santa Fe Avenue
Compton, California 90221

(In reply, please refer to case no. 09-15-1227.)

Dear Superintendent Brawley:

This letter is to notify you of the closure of the investigation of the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), against Compton Unified School District (District). The Complainant alleged that the District discriminated against the Student¹ on the basis of disability by failing to adequately respond to a complaint that she filed with the District alleging non-implementation of the Student's Section 504 plan, contributing to the Student's loss of instructional time in the Fall 2014 semester and resulting in his transfer to a non-honors class in the spring 2015 semester.

OCR investigated the complaint under the authority of 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. OCR also investigated the complaint under the authority of Title VI of the Civil Rights Act of 1964 (Title VI), which prohibits discrimination on the basis of race, color or national origin in programs and activities operated by recipients of Federal financial assistance. The District receives Department funds, is a public education system, and is subject to the requirements of Section 504, Title II, Title VI, and the regulations.

OCR concluded that the District did not provide an adequate procedural response to the Complainant's UCP complaints, that the District's discrimination complaint procedures, as written, included several elements that did not meet the requirements of the Title II and Section 504 regulations, and that there was sufficient evidence of non-compliance with Title VI because the District failed to communicate to the complainant in a language that she could understand.

¹ OCR notified the District of the Student's name at the beginning of the investigation. OCR is withholding the Student's name from this letter to protect the Student's privacy.

OCR explained its findings to the District's representative by telephone on August 20, 2015, and sent written findings by letter dated December 15, 2015. The December 15, 2015 letter sets forth the applicable legal standards, the facts gathered during OCR's investigation, and the basis for OCR's legal conclusions. On December 16, 2015, the District Superintendent signed the enclosed Resolution Agreement which, when fully implemented, will be sufficient to resolve the areas of noncompliance.

Based on the commitments made in the Resolution Agreement, OCR finds the District in compliance with Section 504, Title II, and Title VI, with respect to the issues investigated. 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. OCR will monitor the implementation of the enclosed Resolution Agreement and may reopen the investigation if the District does not comply with the Resolution Agreement. OCR is notifying the Complainant of the closure of this complaint concurrently. The Complainant may have a right to file a private lawsuit in federal court whether or not OCR finds a violation.

This letter sets forth OCR's determination in an individual case. It 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 individual 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.

If you have any questions regarding this letter, please contact s Abony Alexander, at (415) 486-5590, or Shilpa Ram, at (415) 486-5565.

Sincerely,

/s/

Anamaria Loya
Team Leader

cc: Jane Reimers, Counsel, Compton Unified School District