



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

REGION IX  
CALIFORNIA

August 3, 2016

Ms. Julie Hall-Panameño  
Director  
Educational Equity Compliance Office  
Los Angeles Unified School District  
333 South Beaudry Avenue – 20<sup>th</sup> Floor  
Los Angeles, California 90017

(In reply, please refer to case no. 09-16-1375.)

Dear Director Hall-Panameño:

The U.S. Department of Education, Office for Civil Rights, has resolved the above referenced complaint against Los Angeles Unified School District (District). The complainant<sup>1</sup> alleged discrimination on the basis of disability. Specifically, the complaint alleged the following:

1. The District failed to provide the Student, with a free, appropriate public education (FAPE) by failing to evaluate the Student in a timely manner even though it had reasons to believe that the Student needed special education or relate services because of disability;
2. The Student was treated differently by school staff on the basis of disability when they denied her access to her inhaler.

As explained below, prior to reaching a compliance determination 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 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 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.

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<sup>1</sup> OCR previously notified the District of the identities of the complainant and the Student. OCR is not including their names here to protect their privacy.

Pursuant to section 302 of its *Case Processing Manual* (CPM), a complaint may be resolved at any time before the conclusion of an investigation if the recipient expresses an interest in resolving the complaint.

After OCR began its investigation, the District provided OCR with data responsive to OCR's investigation. After gathering information about the complaint through its own preliminary investigative steps, the District offered to proactively address the issues via a voluntary Section 302 Agreement to Resolve (Agreement). The District, without admitting any violation of the law, signed the enclosed Agreement. The Agreement will fully address all of the issues raised in this complaint.

As indicated in the Agreement, the District will offer to the complainant to conduct a Section 504 evaluation to determine if the Student is eligible as a student with a disability. Within 30 calendar days of receiving the complainant's consent to evaluate, the District will conduct the evaluation as required under Section 504. Upon completion of the evaluation, the District will provide OCR with the relevant documentation as stated in the Agreement. The Section 504 designee and the School site administrator will receive training regarding Section 504 policies. The District will provide OCR with proof of these activities to OCR as indicated in the Agreement.

OCR has determined that the actions taken by the District and its commitments expressed in the enclosed Agreement, when implemented, are intended to address all of OCR's compliance concerns in this complaint. 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.

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 is closing this investigation as of the date of this letter and concurrently notifying the complainant.

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.

OCR routinely advises recipients of Federal funds and public education entities that Federal regulations prohibit intimidation, harassment, or retaliation against those filing complaints with OCR and those participating in the complaint resolution process. Complainants and other participants who feel that such actions have occurred may file a separate complaint with OCR.

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, it will seek to protect, to the extent provided by law, personal

information which, if released, could reasonably be expected to constitute an unwarranted invasion of privacy.

OCR would like to thank you and Ms. Victoria Badmus-Wellington for your assistance in resolving this complaint. If you have any questions, please contact Kana Yang at (415) 486-5382.

Sincerely,

/S/

Anamaria Loya  
Acting Chief Attorney

Enclosure