



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

REGION IX  
CALIFORNIA

50 UNITED NATIONS PLAZA  
MAIL BOX 1200; ROOM 1545  
SAN FRANCISCO, CA 94102

July 3, 2018

**VIA ELECTRONIC MAIL**

Matthew Duffy  
Superintendent  
West Contra Costa Unified School District  
[Matthew.Duffy@wccusd.net](mailto:Matthew.Duffy@wccusd.net)

(In reply, please refer to OCR Docket Number 09-17-1266.)

Dear Superintendent Duffy:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its investigation of the above-referenced complaint against West Contra Costa Unified School District (the District). The Complainant alleged that the District discriminated against the Student on the basis of disability.<sup>1</sup> Specifically, OCR investigated the following issues:

- 1) Whether the Student was subjected to harassment by a District employee based on disability;
- 2) Whether the Student is being denied access to a disabled parking spot, though the District is aware of the Student's disability status; and
- 3) Whether the District discriminated against the Student based on disability by denying him accommodations that would have enabled him to participate in the program at his school during the fall 2016 semester, including access to an elevator, appropriate classroom seating, and assignments that he missed during disability-related absences.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. §794, and its implementing regulation, at 34 C.F.R. Part 104. Section 504 prohibits discrimination on the basis of disability in programs and activities operated by recipients of federal financial assistance. OCR is also responsible for enforcing Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 et seq., and its implementing regulation, at 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by public entities. As a recipient of federal financial assistance and as a public entity, the District is subject to Section 504, Title II, and their implementing regulations.

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<sup>1</sup> OCR previously provided the District with the identity of the complainant and student. We are withholding their names from this letter to protect their privacy.

To investigate this complaint, OCR conducted interviews and reviewed documents and other information provided by the Complainant and the District. After careful review of the information gathered in the investigation of Issue 1, OCR concluded that the District did not violate Section 504, Title II, and their implementing regulations with regard to the issue OCR investigated. Prior to OCR completing its investigation of and making a compliance determination regarding Issues 2 and 3, the District expressed an interest in voluntary resolution pursuant to section 302 of OCR's Case Processing Manual (CPM), and OCR determined it was appropriate to do so. The legal standards, facts gathered, and the reasons for OCR's determinations are summarized below.

### Legal Standards

The regulations implementing Section 504, at 34 C.F.R. §104.4(a) and (b), prohibit discrimination based on disability by recipients of Federal financial assistance. The Title II regulations, at 28 C.F.R. §35.130(a) and (b), create the same prohibition against disability-based discrimination by public entities. School districts are responsible under Section 504 and Title II for providing students with a nondiscriminatory educational environment. Harassment of a student based on disability can result in the denial or limitation of the student's ability to participate in or receive education benefits, services, or opportunities.

School districts provide program benefits, services, and opportunities to students through the responsibilities given to employees. If an employee who is acting, or reasonably appears to be acting, in the context of carrying out these responsibilities engages in disability-based harassment that is sufficiently serious to deny or limit a student's ability to participate in or benefit from the program, the school district is responsible for the discriminatory conduct whether or not it has notice.

Under Section 504, Title II, and the regulations, if a student is harassed based on disability by an employee, the district is responsible for determining what occurred and responding appropriately. OCR evaluates the appropriateness of the responsive action by assessing whether it was prompt and effective. What constitutes a reasonable response to harassment will differ depending upon circumstances. However, in all cases the response must be tailored to stop the harassment, eliminate the hostile environment if one has been created, and address the problems experienced by the student who was harassed. The district must also take steps to prevent the harassment from recurring, including disciplining the harasser where appropriate.

In addition, the Section 504 and Title II regulations establish procedural requirements that are important for the prevention and correction of disability discrimination, including harassment. These requirements include issuance of notice that disability discrimination is prohibited (34 C.F.R. §104.8 and 28 C.F.R. §35.106) and adoption and publication of grievance procedures providing for the prompt and equitable resolution of complaints of disability discrimination (34 C.F.R. §104.7[b] and 28 C.F.R. §35.107[b]). The regulations also require that recipients/public entities designate at least one employee to coordinate compliance with the regulations, including coordination of investigations of complaints alleging noncompliance (34 C.F.R. §104.7[a] and 28 C.F.R. §35.107[a]).

In determining whether a hostile environment based on disability has been created, OCR evaluates whether or not the conduct was sufficiently severe, persistent, or pervasive to deny or limit the student's ability to participate in or benefit from the district's program. OCR examines all the circumstances, including: the type of harassment (e.g. whether it was verbal or physical); the frequency and severity of the conduct; the nature of the student's disability; the age and relationship of the parties; the setting and context in which the harassment occurred; whether other incidents have occurred at the district; and other relevant factors.

The Section 504 regulations, at 34 C.F.R. §104.33, also require public school districts to provide a free appropriate public education (FAPE) to all students with disabilities in their jurisdictions. An appropriate education is defined as regular or special education and related aids and services that are designed to meet the individual needs of students with disabilities as adequately as the needs of non-disabled students are met, and that are developed in accordance with the procedural requirements of §§104.34-104.36 pertaining to educational setting, evaluation and placement, and due process protections. Implementation of an individualized education program (IEP) developed in accordance with the Individuals with Disabilities Education Act (IDEA) is one means of meeting these requirements. OCR interprets the Title II regulations, at 28 C.F.R. §§35.103(a) and 35.130(b)(1)(ii) and (iii), to require districts to provide a FAPE at least to the same extent required under the Section 504 regulations.

Section 104.35(a) of the regulations requires school districts to conduct an evaluation of any student who needs or is believed to need special education or related aids and services because of disability before taking any action with respect to the student's initial placement and before any subsequent significant change in placement. In this regard, school districts must ensure that all students who may have a disability and need services under IDEA or Section 504, are located, identified, and evaluated for special education and disability-related services. Under §104.35(b), tests and other evaluation materials must be administered by trained personnel, must be reliable, and must be valid for the purpose for which they are being used. Under subsection (c), placement decisions (i.e., decisions about whether any special services will be provided to the student and, if so, what those services are) must be made by a group of persons knowledgeable about the student, the evaluation data, and the placement options. Placement decisions must be based on information from a variety of sources, with information from all sources being carefully considered and documented. School districts must also establish procedures for the periodic reevaluation of students who have been provided special education and/or related services. A procedure consistent with the IDEA is one means of meeting this requirement.

#### Facts

The following facts are relevant to OCR's analysis of all three issues:

#### *2016-2017 School Year*

In fall 2016, the Student was a high school junior at a high school (the High School) in the District. In September 2016, he incurred an injury to his knee, for which he underwent surgery the next month. The Student participated in a home-hospital program and did not return to campus until January 2017.

When the Student returned to the High School on or about January XX, 2017, he had walking and sitting limitations, as well as a disabled parking placard. These limitations and placard were anticipated to last through the end of the school year. When the Student returned to school, there was no plan, such as a health care plan or Section 504 plan, in place for the Student to address any accessibility concerns.

The Principal told OCR that the High School does not offer student parking to any student. She also told OCR that last year (2016-2017), there was assigned parking for staff with some staff assigned to disabled parking spots, and this year (2017-2018), the High School is short parking spots for staff. In addition, the Principal told OCR that if a student had a disability and a disabled parking placard, that student could park on campus in a disabled parking spot, but if no disabled parking spots were available, the Student could not park elsewhere on campus.

The District provided OCR maps of the campus showing two parking lots located on opposite sides of the campus – one large lot located near Building A and B, and one small lot located near Buildings E (the gym) and F and the fields.

The Complainant told OCR that there is no student parking at the High School, and as a result, students need to walk blocks to the campus. Due to his walking limitation, the Student parked on campus in the parking lot closest to his first class and last class, near the gym. He parked in either a particular area with teacher permission, a disabled parking spot, or if the disabled spots were taken, in another unmarked parking spot.

The Complainant told OCR that one of the Student's former teachers (Teacher 1) gave the Student three "referrals" for parking on campus – one in February 2017, one sometime later, and one in April 2017. She considered these "referrals" harassing conduct on the basis of disability.

As to the first incident, the Complainant and Principal gave differing accounts. The Complainant told OCR that Teacher 1 told the Student that he could not park in the unmarked spot where his vehicle was parked, and that after the Student explained that he had a government-issued disabled parking placard, the Teacher still gave the Student a "referral" for parking on campus. The Complainant also told OCR that as a result of the "referral," she received a message from the Principal stating that the Student could not park on campus because no students were allowed to park on campus. According to the Complainant, she told the Principal that the Student could park on campus because he had a disabled parking placard.

By contrast, the Principal told OCR that she received a complaint from Teacher 1 that the Student was parked in a fire zone, and when Teacher 1 told the Student that he could not park there, he revved his car and cursed at her. According to the Principal, the Student had blocked a fire lane such that an ambulance could not get in, and that the Student's parking choice had negatively impacted one maintenance person and three teachers. The Principal told OCR that she contacted the Complainant, stating that the Student had no permission to park on campus, but after she learned about the disabled parking placard, she told the Complainant that the Student could park in the designated disabled parking spots.

In messages exchanged between the Complainant and District, the Complainant informed the Principal that the Student experienced pain from walking and, for that reason, parked close to his classes, by the gym, and had a disabled parking placard, though the disabled parking space in that lot usually was unavailable. The messages also show that Complainant told the Principal that the Student had parked in a particular area with teacher permission (not from Teacher 1), and the Principal responded that a teacher could not give the Student permission to park on campus. The messages confirm that the Principal ultimately told the Complainant that the Student could park in disabled parking, but not where he had been parking because it was a fire code violation.

According to the Complainant, sometime after the above exchange, Teacher 1 issued the Student a second “referral” for parking on campus; then in April 2017, Teacher 1 issued a third “referral” to the Student for parking on campus, and also for needling his car at the side street and revving his car engine. The Complainant told OCR that in connection with each “referral,” a school administrator told the Student that he could not park where he had parked on campus, though that rule was not subsequently enforced and the Student continued to park on campus. The Complainant told OCR that she believed that staff also reported that the Student was driving his car at excessive speeds in the parking lots to retaliate against her complaining about him not having access to adequate parking. She told OCR that the Student denies driving unsafely on campus and the Assistant Principal refused to provide the Complainant with information about who made the complaint or show her video evidence of the incident.

According to the Principal, the parking issue arose again in April, when three teachers, including Teacher 1, complained to her about unsafe driving and parking in the lot, and the main student involved was the Student. The Principal told OCR that the Student did not receive referrals, though log entries were created to document an ongoing problem. The log entries provided by the District contain an entry for an April XX, 2017 incident, indicating that three teachers, including Teacher 1, reported the Student as “defiant,” stating that the Student consistently parked on campus after numerous warnings, and he disrupted their classes with his car by continuously revving the engine between the first, second, third and fourth blocks, causing the alarms to go off, driving his car back and forth, and driving his car fast in and out of the parking lot. The Complainant told OCR that the Student did not receive any disciplinary consequences in connection with these “referrals,” but the “referrals” would be figured into his attendance record, and the Student missed class for up to 30 to 90 minutes and was late to class.

The Complainant told OCR that one time, Teacher 1 also placed cones in a parking space that the Student commonly used (which the Student moved and then parked in the space), and the teacher spoke with campus security about ticketing the Student for parking on campus. The Principal, on the other hand, told OCR that to her knowledge, the areas that are coned off are fire lanes, and if any parking spots were coned off, they were the teacher’s assigned parking spot.

#### *2017-2018 School Year*

In August 2017, the Student re-injured his knee and, as a result, had sitting and walking limitations. On October XX, 2017, the Complainant notified the District via email of the Student’s injury and his need for a surgical repair with an estimated 9-month recovery period, and that the Student would be out of school for the rest of the week. In the email, the

Complainant also indicated that the Student would need assignments for the next week, and upon return, a campus parking near his classrooms and elevator access. E-mails between District personnel from that day show they were discussing the need to adopt a 504 plan for the Student.

On November X, 2017, the Complainant notified the District via email that the Student returned to school that day and was unable to access the elevator to get to class, even after requesting a key from the front office. In response to the Complainant's email, on November XX, 2017, the District convened a Section 504 meeting for the Student and identified the following accommodations: Student has access to school elevators, Student will be able to check-out an elevator key in the main office daily; and Student will have access to staff parking lots. Other provisions were also put in place, such as providing the Student extra time to get to and from class, as needed. OCR confirmed that the Complainant signed the 504 plan.

Once the Section 504 plan was in place, the Complainant described two problems with implementation.

#### *Elevator Access*

On November XX, 2017, the Complainant notified the District that the Student had not been provided an elevator key and could not access the elevator, and on November XX, 2017, the Complainant confirmed to OCR that she received an elevator key for her son.

#### *On-Campus Parking*

The Complainant told OCR that for the two days subsequent to the Section 504 meeting on November XXXX, the Student had received two notes on his car from school staff regarding parking on campus, even though his Section 504 plan indicated that he would have access to staff parking spaces. The Complainant also told OCR that on November XX, 2017, the Student was unable to access the parking lot closest to his class because it had been locked shut. Then the Complainant told OCR that on November XX, 2017, the Student received a note telling him to not park on campus. The Complainant provided OCR a photo of the note that was left on the Student's car. The note states, "Please do not park here," and is signed by Teacher 2. According to the Complainant, she spoke with Teacher 2 about the note, and at that time, Teachers 1 and 2 indicated that they were not aware of the Student's 504 plan.

Documentation provided by the District indicates that by November XX, 2017, the Complainant informed a school administrator that the Student was being "harassed" when parking on campus, and that the school administrator was looking into that concern, but she was able to confirm with the Complainant that the Student was not in the parking stall by the gym, and she told the Complainant that the Student needed to park in the designated disabled parking space by the gym, if available. The documentation also indicates that the School was contemplating speaking to the teachers about the Student's parking status.

The Assistant Principal, who participated in the Student's 504 meeting, told OCR that what was written in the 504 plan about parking does not reflect what was discussed at the 504 meeting. According to the Assistant Principal, the parking provision provides for access to disabled parking only in the main staff parking lot, located near building B. The Assistant Principal told OCR that the team discussed how many disabled parking spots there were, and how the High

School does not have student parking. She also told OCR that everyone understood that the Student would park in disabled parking, and if disabled parking was not available, he would need to park somewhere else near the High School. In addition, the Assistant Principal told OCR that the team discussed, and the parent agreed, that the Student could not move his car during the school day from one side of the school to the next, because of the safety concern presented by a closed campus, and students moving regularly from the gym to the field where cars are parked. The Assistant Principal also confirmed for OCR that she was aware there were a few instances from this time period (November XX to December X) when the Student had difficulty accessing the staff parking lot, but she did not know the exact number. On December X, 2017, the Complainant filed a "Complaint Concerning School Personnel" with the district about teachers leaving notes on the Student's car, asking the Student to not park on campus. The Complaint refers to Teachers 1 and 2 leaving "threatening" notes on the Student's car, and she states that after she spoke with school staff about this on December X, 2017, teachers were seen the next week taking pictures and following her son around. According to the Complainant, the District never responded to her complaint. OCR has not completed its investigation into the District's receipt of or response to this complaint.

On or about March XX, 2018, the School convened an IEP/504 meeting for the Student, at which the Student was found eligible under Other Health Impairment due to the impact of ADHD on the Student's educational progress. The Complainant told OCR that the IEP/504 team agreed to transfer the Student's Section 504 plan to his IEP, and that there was discussion of the parking provision. The IEP itself is signed by the Complainant. The Complainant indicated in the signature section of the IEP that she agreed with the IEP, with the exception of "issues of parking accommodations/handicapped."

On March XX, 2018, there was a national school walkout, and the Complainant told OCR that on that day, the Student was locked out of the parking lots, so he had to park off campus and walk to the front of the school to enter it. According to the Complainant, when she spoke to security about this, security said that he would not let the Student into the parking lot, even with a 504 plan and disabled parking placard. That same day, the Complainant filed two "District Complaint" forms with the District about the security guard and the Principal denying the Student access to the parking lot nearest to a class. One of the complaints states that school administrators and personnel harassed the Student about parking on campus on a weekly basis. According to the Complainant, the District never responded to her complaints. OCR has not completed its investigation into this incident and the related internal complaint. The Complainant told OCR that on or about April XX, 2018, another teacher told the Student, who was parked in a disabled parking spot in a campus parking lot.

Issue 1: Whether the Student was subjected to harassment by a District employee based on disability.

Analysis

OCR concluded, based on a preponderance of the evidence, that there is insufficient evidence to show that the Student was subjected to harassment by a District employee based on disability in violation of Section 504, Title II, and their implementing regulations.

Disability harassment under Section 504 and Title II is conduct toward a student based on disability that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in a school or district's program. When harassing conduct is sufficiently severe, persistent, or pervasive that it creates a hostile environment, it can violate a student's rights under the Section 504 and Title II regulations.

OCR first considered the Complainant's allegations of harassment during the 2016-2017 school year. The Complainant told OCR that during the 2016-2017 school year, Teacher 1 gave the Student three "referrals" for parking on campus – one in February 2017, one sometime later, and one in April 2017 – even though the teacher knew that the Student had a disabled parking placard. She further stated that each time the Student received a "referral," school administrators told him that he could not park on campus, though they did not enforce that policy and he continued to park on campus through the end of the school year. In addition, she stated that in one instance, Teacher 1 placed cones in a parking space that the Student commonly used (which the Student moved, and then he parked in the space), the teacher spoke with campus security about ticketing the Student for parking on campus, and the teacher continued to tell the Student that he could not park in the parking space. The District, on the other hand, told OCR that the School does not provide student parking, but beginning in February 2017, it permitted the Student to park on campus in a disabled parking space, if one was available. The District also confirmed for OCR that contributing to Teacher 1's complaints were other conduct concerns, including the Student revving his car engine and using profanity when speaking to teachers. The Complainant and District agree that the Student received no disciplinary consequences for parking on campus. The District also told OCR that the areas in the parking lots that are coned off are fire lanes, and if any parking spaces were coned off, they were assigned teacher spaces.

Based on the totality of the evidence, OCR concluded that there is insufficient evidence to show that the alleged harassing conduct occurring during the 2016-2017 school year was based on disability. The evidence shows that the School did not provide students parking on campus, and Teacher 1's complaints (and those of other school staff) and other conduct were made when the Student parked on campus in spaces that were not designated as disabled parking spaces and/or in connection with the Student's involvement in other disruptive behavior, such as revving his engine and causing alarms to go off. OCR further concluded that there is insufficient evidence to show that the alleged harassing conduct during the 2016-17 school year was sufficiently severe, persistent, or pervasive to create a hostile environment for the Student, as Teacher 1 and other school staff made complaints in connection with the Student parking on campus three times over three plus months, and despite those complaints, the Student continued to park on campus, and he received no disciplinary consequences for doing so.

OCR next considered the Complainant's allegations of harassment during the 2017-2018 school year, after the Student re-injured his knee and had a surgical repair in October 2017. The Complainant told OCR that for the two days subsequent to the Section 504 meeting on November XXXX, the Student had received two notes on his car from school staff regarding parking on campus, even though his Section 504 plan indicated that he would have access to staff parking spaces. The Complainant also told OCR that on November XX, 2017, the Student was unable to access the parking lot closest to his class because it had been locked shut, and on November XX, 2017, the Student received a note from school staff stating, "Please do not park



here.” In addition, the Complainant told OCR that on March XX, 2017, the Student was locked out of the parking lot altogether, and on April XX, 2018 or so, another school staff member told the Student to move his car from a disabled parking spot on campus. However, as discussed in more detail below (under *Issues 2 and 3*), the evidence indicates that treatment of the Student by staff was not based on the Student’s disability, but on the School’s failure to provide to relevant school staff information regarding the on-campus parking accommodation contained in Student’s Section 504 plan, as well as ambiguity in the Student’s on-campus parking accommodation as written and the School’s parking policy more generally. Accordingly, OCR concluded that the alleged conduct does not support the Complainant’s assertion that the Student was subjected to a hostile environment by District employees, and OCR addressed the concerns raised by this evidence in the proposed Resolution Agreement, as described below.

OCR notes that according to the Complainant, she filed complaints with the District – a personnel complaint about teachers who left notes for the Student stating that he could not park on campus on December X, 2017, and two separate “district complaints” about a security guard and the Principal denying the Student access to the parking lot nearest to a class on March XX, 2018 – to which the District did not respond. OCR did not complete its investigation into these internal complaints and the District’s response. However, as part of its monitoring of the proposed Resolution Agreement, discussed below, OCR will review the District’s response and provide feedback, if appropriate, to facilitate the District’s resolution of these complaints.

Issues 2 and 3: Whether the Student is being denied access to a disabled parking spot, though the District is aware of the Student’s disability status; and whether the District discriminated against the Student based on disability by denying him accommodations that would have enabled him to participate in the program at his school during the fall 2016 semester, including access to an elevator, appropriate classroom seating, and assignments that he missed during disability-related absences.

#### Analysis

There is evidence that within one month of the Student returning to school on or about January XX, 2017, the District had notice from the Complainant that the Student experienced pain from walking and, for that reason, had a disabled parking placard and parked on campus. The evidence further shows that for the remainder of the 2016-17 year, from about February XX, 2017 to about June X, 2017, the Student had walking limitations and a government-issued disabled parking placard, and that the District did not convene a 504 meeting or initiate another process in order to identify and address any disability-related needs or possible physical access issues. This evidence raised a concern that the District knew of a suspected disability, but did not initiate the 504 process, as required by Section 504.

The Complainant also alleged that the Student was denied access to a disabled parking spot, though the District was aware of the Student’s disability status. Specifically, she alleged that the Student received three “referrals” (one in February 2017, one sometime later, and one in April 2017) and each time, an administrator told the Student that he could not park where he had parked; in one instance, Teacher 1 coned off the parking spot in which the Student usually park; and Teacher 1 spoke with campus security about ticketing the Student for parking on campus.

However, the evidence shows that in spring 2017 the Student permitted to park in disabled parking spots on campus and continued to park on campus without disciplinary consequences.

After the Student re-injured his knee in August 2017 and the Complainant gave the District notice of the Student's need for accommodations due to the injury and a subsequent surgical repair in October 2017, the District convened a Section 504 eligibility meeting for the Student in November 2017, which resolved the District's initial failure to initiate a Section 504 process. The District ultimately put in place a Section 504 plan for the Student.

OCR next considered the Complainant's allegations that the School failed to implement provisions of the Student's Section 504 plan. As to the elevator access provision, during the 2017-2018 school year, the evidence shows that the District at first failed to implement the elevator access provision, under which the Student was to check-out an elevator key from the front office on a daily basis in order to access the elevator to his classes on the second floor of the school, but the failure to implement was brief, as the District corrected the issue by providing the Student with an elevator key within three or four school days of the plan's creation. Thus, OCR concluded that there is insufficient evidence to show that the District failed to implement substantially the elevator access provision of the Student's Section 504 plan.

As to the parking access provision, OCR confirmed that the District put in place a Section 504 plan which included a provision that the Student would "have access to the staff parking lots." As written, this provision was vague and did not consider other complications, including some evidence that the Student would move his car during the school day, and that the School was concerned about safety as he maneuvered around students walking to class. The School's attempt to reconsider the accommodation as part of an IEP developed in March of 2018 resulted in no explicit change in the provision's wording, but in a note stating the Complainant disagreed with the Student not being able to park on campus when no disabled parking spot is available.

The evidence shows that after the November XX, 2017 504 meeting, the Student received three notes from teachers telling him to not park on campus (twice between November XX and November XX, and once on November XX), was locked out of a parking lot twice (on November XX and on March XX), and was verbally told that he could not park on campus, even in a disabled parking space (on March XX and on April XX or so). However, the evidence also suggests that the teachers who left the Student notes were not aware of his 504 plan, including its on-campus parking provision, when they left the notes. However, there is no evidence showing that the teachers' notes actually prevented the Student from accessing parking on campus. Moreover, classes may not have been in session when the Student attempted to access a School parking lot on March XX due to the national school walkout held that day. Thus, based on the evidence gathered to date, there is sufficient evidence to show the District failed to notify relevant school staff about the Student's 504 plan, but there is insufficient evidence to show that the District failed to provide the Student the on-campus parking accommodation contained in his 504 plan.<sup>2</sup>

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<sup>2</sup> OCR made no determination as to the appropriateness of the Student's parking accommodation. Rather, OCR considered the evidence regarding the District's implementation of the parking accommodation contained in the Student's 504 plan and IEP, and concluded that the evidence raised a concern that the District was out of compliance with Section 504, Title II, and their implementing regulations.

### Overall Conclusion

To address the issues alleged in the complaint, the District, without admitting to any violation of law, entered into the enclosed resolution agreement which is aligned with the complaint allegation[s] and the information obtained by OCR during its investigation. Under the resolution agreement, the District will provide written guidance and training to all School staff who are involved in the 504 process on the District's obligations under Section 504 and Title II. The District also will provide to OCR for review a report summarizing its response to the Complainant's complaints filed with the District on December X, 2017 and March XX, 2018.

Based on the commitments made in the enclosed resolution agreement, OCR is closing the investigation of this complaint as of the date of this letter, and notifying the Complainant concurrently. When fully implemented, the resolution agreement is intended to address the complaint allegations. OCR will monitor the implementation of the resolution agreement until the District is in compliance with the terms of the resolution agreement. Upon completion of the obligations under the resolution agreement, OCR will close the case.

OCR's determination in this matter 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. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

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, retaliate, 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 another complaint 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, it will seek to protect, to the extent provided by the law, personal information that, if released, could reasonably be expected to constitute an unwarranted invasion of privacy.

Thank you for your cooperation in resolving this case. If you have any questions regarding this letter, please contact Monique Raco Fuentes at [Monique.RacoFuentes@ed.gov](mailto:Monique.RacoFuentes@ed.gov) or 415-486-XXXX.

Sincerely,

/s/

Ava DeAlmeida-Law  
Acting Team Leader

cc: Rhonda Haney, Office of Educational Equity Director, West Contra Costa Unified  
School District

Enclosure