



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 20, 2017

Mr. Mark Campbell
Superintendent
Calaveras Unified School District
Post Office Box 788
3304 Highway 12
San Andreas, CA 95249

(In reply, please refer to case no. 09-17-1316.)

Dear Superintendent Campbell:

On March 17, 2017, the U.S. Department of Education, Office for Civil Rights (OCR) received a complaint against the Calaveras Unified School District (District) alleging disability discrimination. OCR investigated whether:

- the District failed to provide the Student¹ with a free, appropriate public education (FAPE) by failing to follow adequate procedures for evaluation and placement of the Student when the District was notified of the Student's health and attendance issues in October and December 2016, and January 2017, and by failing to evaluate the Student in a timely manner even though it had reason to believe that the Student needed special education or related services because of a disability.

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 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, 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, Title II, and the regulations.

Under Section 302 of OCR's Complaint Processing Manual, a complaint may be resolved at any time when, before the conclusion of an investigation, a recipient expresses an interest in resolving the complaint. In this case, the District expressed an interest in resolving this allegation prior to the conclusion of OCR's investigation. The provisions of the enclosed Resolution Agreement address OCR's identified concerns.

¹ OCR informed the Recipient of the identity of the Student in our letter notifying it of the complaint. We are withholding it here to protect her privacy.

On July 18, 2017, the District agreed to implement corrective actions and signed an agreement with OCR. When fully implemented, the resolution agreement is intended to address all of OCR's compliance concerns in this investigation. OCR will monitor the District's implementation of the 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. OCR is closing the investigation of this complaint as of the date of this letter, and notifying the Complainant concurrently.

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.

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, 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 please contact Alvaro Soria, Civil Rights Attorney, at (415) 486-5580 or alvaro.soria@ed.gov.

Sincerely,

/s/

Zachary Pelchat
Team Leader

Enclosure