



CALIFORNIA
DEPARTMENT OF
EDUCATION

TOM TORLAKSON

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

November 22, 2013

Dr. Kevin Skelly, Superintendent
Palo Alto Unified School District
25 Churchill Ave.
Palo Alto, CA 94306

Dora Dome, Attorney
Dora Dome Law
610 16th St., #305
Oakland, CA 94612

Dear Superintendent Skelly and Ms. Dome:

The California Department of Education (CDE) and the California School Boards Association (CSBA) have each received your August 20, 2013 letter regarding the Office for Civil Rights (OCR) investigation into the disability discrimination complaint that was made against the Palo Alto Unified School District (PAUSD). In addition, CDE and CSBA have each reviewed the proposed modifications to PAUSD's Board Policy (BP) 1312.3 and Administrative Regulation (AR) 1312.3 that was submitted along with your letter. It is our understanding that the proposed PAUSD policies and procedures were the result of negotiations between OCR and PAUSD counsel to address specific issues identified during the OCR investigation of the aforementioned disability discrimination claim against the district.

Based on its review, CDE has no objection to the proposed nondiscrimination policies and procedures. While these materials provide greater specificity in several areas when compared to the Uniform Complaint Procedure (UCP), as specified in Title 5, sections 4600 – 4687, of the California Code of Regulations, this does not make them inconsistent with the minimum requirements specified therein.

Based on its review, CSBA has no concerns regarding the proposed revisions to BP and AR 1312.3. CSBA produces sample BPs and ARs as a service to school board members and their professional staff. As *sample* BPs and ARs, it is expected that districts will conduct their own review and, if appropriate, make changes in order to comply with the legal, policy, and political needs and conditions of their individual communities.

Please note that both CDE and CSBA have begun to work with OCR to revisit and, if appropriate, revise the UCP and the CSBA model BPs and ARs related to complaint procedures. This includes, but is not limited to, Sections 4600 through 4687 of Title 5 of the California Code of Regulations, BP and AR 1312.3, and BP and AR 5145.7. The result of this collaboration may be the issuance of revised regulations and sample BPs

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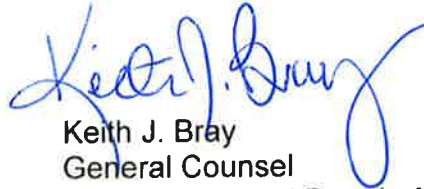
and ARs, including revised BP/AR 1312.3 that may be similar to or different than the modified BP 1312.3 or modified AR 1312.3 included in your August letter.

Thank you for requesting and considering our views in the matter.

Sincerely,



Sharon Felix-Rochon
Chief, Office of Equal Opportunity
California Department of Education



Keith J. Bray
General Counsel
California School Boards Association

SFR/KJB:cmg