



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION IX
CALIFORNIA

May 30, 2014

Rick Schmitt
Superintendent
San Dieguito Union High School District
710 Encinitas Boulevard
Encinitas, California 92024

(In reply, please refer to case no. 09-14-1077.)

Dear Superintendent Schmitt:

In a letter dated February 11, 2014, the U.S. Department of Education, Office for Civil Rights (OCR), notified you of a complaint filed against the San Dieguito Union High School District (District) alleging discrimination based on disability. The Complainant¹ alleged that the District failed to provide sign language interpreters for the Student and other persons in need of communication auxiliary aids and services on June 14, 2013, when the Student participated in a graduation ceremony.

As explained below, prior to reaching findings of fact or conclusions of law 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.

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 Resolution Agreement (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.

¹ OCR previously notified the District of the Complainant and the Student's identities and is withholding their names from this letter to protect their privacy.

As indicated in the Agreement, the District has committed to establishing a new policy. This policy will be communicated to the general public, including parents/guardians who attend any District sponsored program or activity. It will explain the District's procedure on requesting and accessing sign language interpreter services and other auxiliary aids and services. The Agreement also requires that the District notify all District and school site administrators, teachers, staff, parents/guardians, and the general public of the new policy. The Agreement further requires the District to reimburse the Complainant for the cost of the American Sign Language interpreter who attended the high school graduation ceremony in June 2013.

OCR has determined that the actions taken by the District and its commitments expressed in the enclosed Agreement, when implemented, will resolve the issues in this complaint and is closing this matter as of the date of this letter. 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 is being notified by concurrent letter, and 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, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the Complainant may file another complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related 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 that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

OCR thanks you, Ms. Christina Bennett, and Mr. Charles Adams, for your cooperation and assistance in resolving this matter. If you have any questions, please contact Kana Yang, Civil Rights Attorney, at (415) 486-5382.

Sincerely,

/s/

Anamaria Loya
Team Leader

Enclosure

cc: Christina Bennett, Director of Purchasing & Risk Management