

## **Resolution Agreement**

San Diego Unified School District

Docket Number 09-12-1479

In order to resolve the issues identified by the U.S. Department of Education, Office for Civil Rights (OCR), in the above-referenced complaint filed pursuant to Section 504 of the Rehabilitation Act of 1973 and Title II of the American with Disabilities Act of 1990, the San Diego Unified School District (District) agrees to implement this Resolution Agreement (Agreement). In signing this agreement, the District does not admit to any violation of state or federal law.

### **1. Life Skills Resources**

- a. By January 31, 2014, the District will provide to OCR for approval a guidance memorandum to all XXXXXXXX High School special education staff that explains that placement decisions, including IEP goals, for students with disabilities must be based on the individualized disability-related needs of each student and designed to meet those individual needs. The memorandum will explain that:
  1. IEPs, including life skills goals, should not be based on the perception of available resources or other administrative considerations, but on the individualized needs of students;
  2. If the IEP team determines that certain life skills goals, such as sorting, are needed for students, the team should include that goal. The School and District will ensure that resources are available and strategies are developed to implement the goals.
- b. Within 15 days of approval from OCR the District will provide OCR with documentary evidence that the guidance memorandum approved by OCR in 1.a. above has been circulated.

### **2. Accessible Path of Travel**

- a. By December 19, 2013, the District will provide OCR with a proposed plan for the creation and implementation of an effective means of providing an accessible independent path of travel for individuals with mobility impairments between the upper and lower portions of the XXXXXXXX High School campus. The plan will include a proposed completion date for the availability of the path of travel. The plan will include the unimpeded use of an unlocked elevator. The District will start implementing the plan promptly after OCR's approval, and will provide OCR with documentary evidence that the approved plan has been fully implemented by September 2014.

- b. The District will immediately unlock the elevator between the upper and lower levels and will keep the elevator accessible at all times that students are present on campus until such time as the plan in 2a above is completed. The District acknowledges and agrees the elevator has not consistently remained unlocked. Within three days of signing this agreement, the District will certify to OCR by letter or email that the elevator is open and operable. By December 19, 2013, the District will provide OCR with an interim plan for individuals with mobility impairments to have access to both the upper and lower levels at XXXXXXX High School while the plan in 2a above is being implemented. Within three weeks after OCR approval of the interim plan, the District will provide OCR with documentary evidence that the interim plan has been fully implemented.

**3. Monitoring**

- a. The District understands that OCR will not close the monitoring of this agreement until OCR determines that the District has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§104.33 and 104.23 and Title II at 28 C.F.R. §35.151 which were at issue in this case.
- b. The District understands that by signing this agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this agreement. Further, the District understands that during the monitoring of this agreement, if necessary, OCR may visit Lincoln High School, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504 and Title II at §§104.33 and 104.23 and 28 C.F.R. §35.151.
- c. The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

\_\_\_\_\_/s/\_\_\_\_\_

Superintendent or Designee

\_\_\_\_12/6/13\_\_\_\_\_

Date