

Resolution Agreement

In order to resolve the issues investigated by the U.S. Department of Education, Office for Civil Rights (OCR), under Title IX of the Education Amendments of 1972 and its implementing regulations, and without admitting to any violation of law, San Diego Unified School District (District) agrees to implement the provisions in this Resolution Agreement (Agreement).

Requirements

A. Guidelines

1. The District will develop guidelines for elementary school level principals so they understand the process they must follow in responding to incidents of inappropriate touching and other types of sexual harassment and assault involving students, and when to apply the District's sexual harassment grievance procedure (Administrative Procedure 0112) with respect to sexual harassment complaints originating at the elementary level. The guidelines must include definitions of sexual harassment and sexual assault.
2. By May 31, 2016, the District will provide OCR with a draft of the guidelines for review and approval and will adopt and disseminate the guidelines to elementary school principals within 30 days after approval from OCR.

B. Training

1. By July 31, 2016, the District will provide an outline of the training on the guidelines developed pursuant to paragraph A.1. and the name and experience of the trainers to OCR for its review and approval.
2. By July 31, 2016, the District will provide OCR with a list of names and titles of all staff expected to receive the training. The District will provide training to all elementary administrators, including all elementary principals and school and District administrators who are or may be responsible for investigating sexual harassment complaints at elementary schools.
2. By November 1, 2016, the District will deliver the training and provide OCR with a report describing and documenting the training, and a list of all staff members who were in attendance. The District will also provide a list of staff members not in attendance, with the date they will attend a make-up session, and such make-up session will be completed not later than December 1, 2016.

C. Parent notification

The District will revise all communication with parents (brochures, memoranda, websites, parent handbooks, etc.) to clarify how the District's sexual harassment policies and grievance procedures apply to incidents at the elementary level, and the range of

sanctions that will be considered for offending students and the types of support services and remedies that are available for students subjected to sexual harassment or assault. This specifically includes translated and oral interpretation of the guidelines as necessary to inform English Language Learners and Limited English Proficient parents/guardians/education rights holders in their respective languages consistent with Title VI.

By May 31, 2016, the District will provide OCR with a draft of the revised communications for review and approval. Within 60 days after OCR approves the communications, the District will adopt the communications and provide documentation that it has replaced every earlier communication with the new form.

D. Training on Title IX Requirements

District elementary school principals will participate in training provided by OCR on the requirements of Title IX (including definitions and examples of what constitute sexual harassment and sexual assault) and the investigation of complaints of discrimination, on a date to be arranged by OCR and the District.

By July 31, 2016, the training will be conducted by OCR. The District will provide OCR with documentation to show who attended the training.

E. Monitoring

The District understands that OCR will not close the monitoring of this agreement until OCR determines that it has fulfilled the terms of this agreement and is in compliance with Title IX of the Education Amendments of 1972 and the regulations implementing the statute, which was at issue in this case.

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 the District, 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 Title IX of the Education Amendments of 1972 and the regulations implementing the statute.

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 sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Cindy Marten, Superintendent
San Diego Unified School District

04/13/2016
Date