

Resolution Agreement  
Case No. 09-16-1073  
San Dieguito Union High School District

In order to resolve the finding of non-compliance made by the U.S. Department of Education, Office for Civil Rights (OCR), in the investigation of the above-referenced complaint filed against the San Dieguito Unified School District (District) pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act (Title II) and their implementing regulations at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, and without admitting any violation of the law, the District agrees to the terms of this Resolution Agreement (Agreement).

**I. Individual Remedy**

A. The District will send a letter to the Complainant that will:

1. Acknowledge that its October XX, 2015 letter should have affirmed the District's goals of civility and campus security without referencing an incident report or potential criminal sanctions;
2. Reaffirm the District's visitor's policies;
3. Reaffirm the District's anti-retaliation policy, including retaliation against employees, parents/guardians or other individuals who engage in protected activity is prohibited and in violation of District policy and federal civil rights law. Protected activity includes advocating on behalf of the rights of students to be free from discrimination based on race, color, national origin, disability, sex or age and raising concerns about such discrimination;
4. State the District will be distributing a guidance memorandum and conducting training to School (as used herein "School" refers only to the school site from which the complaint arose) and District administrators regarding District obligations to foster and facilitate an educational environment free from retaliation for engaging in protected activity; and
5. Include as an attachment a copy of the Guidance Memorandum referenced in Section II. below.

B. Reporting Requirement: Within 30 days after OCR approval of the Guidance Memorandum (as set forth in section II), the District will submit a draft of the letter to OCR for its review and approval. Within five calendar days of receiving approval from OCR, the District will provide documentation showing that it has sent the letter to the Complainant at her last known email and postal addresses.

**II. Guidance Memorandum**

A. The District will distribute a guidance memorandum to all District administrators involved in Special Education, as well as School administrators that includes the following:

1. The definition of retaliation, including the definition of a protected activity and an adverse action. This will include that protected activity includes advocating on behalf of the rights of students to be free from discrimination based on race, color, national origin, disability, sex or age and raising concerns about such discrimination;
  2. An explanation of the District's policy regarding retaliation and that complaints of retaliation for protected activity in opposition to perceived discrimination must be processed under the District's grievance procedure, the Uniform Complaint Procedure;
  3. An explanation of the steps all School employees should follow if they receive notice of discrimination based on disability, including retaliation for protected activity on behalf of students with disabilities;
  4. The contact information for the Section 504 and Title II Coordinator(s) and any other individual(s) responsible for compiling, receiving, and investigating reports of harassment and/or discrimination based on disability.
- B. Reporting Requirement: Within 30 days after this Agreement is signed, the District will provide OCR with a draft of the written guidance described in II.A. The District will provide OCR with documentation that it has issued the guidance to all District administrators and School administrators and staff within 15 days of receiving approval from OCR.

### **III. Training for District and School Staff**

- A. The District will train the following persons on its policies and procedures prohibiting retaliation: (1) District administrators who oversee special education services, including Section 504 Plans and Individualized Education Plans; and (2) School administrators and special education certificated staff.
1. The training will include the following:
    - a. The definition and examples of retaliation, as well as the District's policy prohibiting retaliation;
    - b. Discussion of the District's prohibition against retaliation contained in the Guidance Memorandum in Section II.A. above;
    - c. A statement that a student or parent/guardian who has reported alleged incidents of discrimination and/or harassment on the basis of disability, including retaliation for engaging in protected activity, should be notified of their right to file a complaint in accordance with existing District policies and procedures; and

- d. The contact information for the Section 504 and Title II Coordinator(s) and, if applicable, any other individual(s) designated to receive and investigate and resolve reports of retaliation, including retaliation for protected activity on behalf of students with disabilities.

B. Reporting Requirement:

1. Within 45 days after this Agreement is signed, the District will submit the training materials and title/name of the proposed trainers as described in Section III.A for OCR review and approval. OCR may be able to provide the training at the District's request.
2. The District will provide the training required in Section III.A within 60 days of OCR's approval. Within 15 days of providing the training required in Section III.A, the District will provide OCR with the following documentation: the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, sign-in sheets evidencing the District employees who attended the training, a list of the required District employees who did not attend, and a plan for providing follow-up for those employees who did not attend, as needed.

Monitoring

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further the District understands that during the monitoring of this Agreement, 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 Section 504 and Title II and their implementing regulations, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

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/\_\_\_\_\_  
Superintendent or Designee

\_\_\_\_\_  
12/21/2017  
Date