

**Resolution Agreement**  
San Diego Unified School District  
Case No. 09-17-1550

The U.S. Department of Education, Office for Civil Rights (OCR) initiated the above referenced investigation pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act as Amended (ADA), and their implementing regulation at 34 C.F.R. Part 104 and 28 C.F.R. Part 35. In order to resolve the compliance concerns identified by OCR, and without admitting to any violation of state or federal law, San Diego Unified School District (District) agrees to implement this Resolution Agreement (Agreement).

- I. Discrimination Complaints: The District will revise its Uniform Complaint Procedure AR 1312.3 by including the following statement:

“When an allegation that is not subject to the Uniform Complaint Procedure (UCP) is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district’s UCP.

For example, a UCP regarding discrimination based on disability that includes a request for grade change, the grade change request portion shall be forwarded to the Office of Secondary Schools (OSS) and the alleged discrimination based on disability complaint shall be investigated under the UCP. Any findings of discrimination based on disability will be forwarded to OSS for consideration in the grade change review. If the UCP investigation determined that discrimination occurred, the UCP/OSS response will be tailored to stop the discrimination, remedy the effects on any such student who was discriminated against, including with respect to that student’s grade (if the grade was impacted), and the District will take steps reasonably calculated to prevent such discrimination from recurring.”

The District will revise its Grades/Evaluations of Student Achievement Procedure AR 5121 by including the following statement:

“If the requested grade change involves an allegation of discrimination based on disability, the discrimination portion of the request shall be forwarded to the Title IX Office for investigation according to the district’s Uniform Complaint Procedure (UCP). Any findings of discrimination based on disability will be forwarded to the Office of Secondary Schools (OSS) for consideration in the grade review. If the UCP investigation determines that discrimination occurred and impacted the student’s grade, the OSS response will be tailored remedy the effects of any such discrimination on any such student who was discriminated against, including with respect to that student’s grade.”

The District will provide the revised procedure to the union(s) for collective bargaining purposes. The District will publish and distribute an Administrative Circular notifying staff of the revisions to the policies.

Reporting Requirements: Within 45 days of the execution of this Agreement, the District will provide OCR with documentation that it has distributed the aforementioned Administrative Circular and notify OCR of the status of the revised policy including with regard to the collective bargaining process. Within 90 days of the execution of this Agreement, the District will provide OCR with documentation that it has adopted the aforementioned policies and procedures.

- II. Monitoring: 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. Upon completion of the obligations under this Agreement, OCR shall close and dismiss the 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 will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

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

Superintendent or Designee

\_\_\_\_\_12/6/2018\_\_\_\_\_

Date