

Resolution Agreement
San Diego Unified School District
OCR Case No. 09-20-1311

The San Diego Unified School District (District) agrees to implement this Resolution Agreement (Agreement) to resolve the violations identified by the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II), and their implementing regulations in the above-referenced OCR case number.

I. Guidance Memorandum and Training

- A. The District will issue a written guidance memorandum and facilitate training for all administrators, faculty, and staff at XXXXXXXXXXXX School (School) who are responsible for developing students' Section 504 Plans, who may provide instruction to students with disabilities eligible for Section 504 Plans, or who may be responsible for monitoring the implementation of students' Section 504 Plans. The guidance memorandum and training will review the District's obligations and policies regarding Section 504 and will include the following topics:
1. The District's, including District employees', legal obligations and responsibilities under Section 504, including, but not limited to, the need to provide a free appropriate public education (FAPE) to all students with disabilities.
 2. Strategies that members of Section 504 teams should follow when teachers or other members of the team are concerned that certain accommodations in a student's Section Plan are not possible to implement.
 3. The protocol to follow, including providing parents/guardians with a copy of the Section 504 procedural safeguards, including the right to an impartial hearing, when there is a dispute as to the accommodations, aids, services, or overall placement of the student.
 4. The name and contact information of the person(s) assigned to respond to parents/guardians' and District instructional staff concerns regarding the implementation of students' approved academic adjustments, and the name and contact information of the District's Section 504 Coordinator.

II. Reporting Requirements

- A. By September 4, 2023, the District will submit a draft of the guidance memorandum, training materials, and title(s)/name(s) of the proposed trainer(s), as described in Section I.A. of the Agreement, for OCR review and approval. Training may be conducted in

person or online. OCR may be available to provide the training, if the District would like to request that OCR do so.

- B. The District will finalize and issue the guidance memorandum and provide the training required in Section I.A. of the Agreement within 90 days of OCR's approval.
- C. Within 15 days of issuing the guidance memorandum required in Section I.A. of the Agreement, the District will provide OCR with a report and documentation substantiating the date on which the OCR-approved guidance memorandum was distributed to the required guidance memorandum recipients, as described in Section I.A. The report and documentation will include the names and titles of the guidance memorandum recipients, and for recipients who are faculty, the class(es) they teach.
- D. Within 15 days of providing the training required in Section I.A. of the Agreement, 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 or a computer printout of those who completed the training online, 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.

III. Monitoring

By signing this agreement, the District agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. During the monitoring of the resolution 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 the resolution agreement.

The District understands that OCR will not close the monitoring of the agreement until such time as OCR determines that the District is in compliance with the terms of the agreement and the statute(s) and regulation(s) at issue in the case.

The District understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings to enforce the specific terms of the resolution agreement and the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

_____/s/_____
Superintendent or designee

_____06/26/2023_____
Date

Approved as to Form and Legality

_____/s/_____

Kimberly A. Chapin, Assistant General Counsel II
San Diego Unified School District, Office of General Counsel