

**RESOLUTION AGREEMENT**  
**San Diego Unified School District**  
**OCR Compliance Review Number 09-20-5001**

The San Diego Unified School District (the District) enters into this Resolution Agreement (the Agreement) to resolve the violations and compliance concerns that the Office for Civil Rights (OCR) of the U.S. Department of Education (the Department) identified in Compliance Review Number 09-20-5001. This review evaluated the District's compliance with Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, and its implementing regulations at 34 C.F.R. Part 106, with respect to its policies, procedures, and responses to student-to-student and employee-to-student sexual harassment, including sexual assault. Title IX and its regulations prohibit discrimination on the basis of sex, including sexual harassment, in any education program or activity operated by a recipient of Federal financial assistance from the Department. When evaluating the District's Title IX responses to reported sexual harassment involving students with disabilities, OCR also identified a concern about the District's compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulations at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulations at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively. As a public recipient of federal financial assistance from the Department, the District must comply with Title II, Section 504, Title IX, and their implementing regulations. The District agrees to take the following actions to demonstrate its compliance with these laws.

Each item of this Agreement applies to all District-operated schools, including magnet and/or alternative schools.

**I. Coordination of Compliance with Title IX Through the Title IX Coordinator**

- A. The District will notify all its employees, in writing, that they must promptly notify the Title IX Coordinator of all Title IX reports or complaints of which they are aware, including when Child Protective Services, the Investigations Compliance and Accountability office (ICA), Human Resources, District Police, or other law enforcement has also been notified.
  
- B. The District will ensure that the employee designated as its Title IX Coordinator coordinates its efforts to comply with and carry out its responsibilities under Title IX, including coordinating the following with all District schools and offices such as ICA and Human Resources with respect to:
  - 1. its responses to complaints and reports of student-to-student and employee-to-student sexual harassment;
  - 2. the implementation of its Title IX grievance procedures;
  - 3. its Title IX investigations and determinations regarding sex discrimination;
  - 4. its implementation of corrective actions and remedies;
  - 5. its monitoring of District schools' compliance with Title IX;
  - 6. identifying and addressing any patterns of sexual harassment; and

7. assessing any effects of such harassment on the climate of the District and its schools.

C. The District also will ensure that its Title IX Coordinator:

1. possesses the appropriate and necessary authority to effectively coordinate the District's compliance with Title IX;
2. has sufficient time and resources, including Deputy Title IX Coordinators and employees, to perform all Title IX-related responsibilities;
3. reports directly to the Superintendent or the Superintendent's designee;
4. has access to information regarding the administration of school discipline and incidents of sex-based harassment;
5. is appropriately trained and possesses comprehensive knowledge in all areas over which the Title IX Coordinator has responsibility, including knowledge of the District's policies and grievance procedures regarding sex discrimination, including sexual harassment, and applicable Title IX regulations;
6. participates in drafting and revising policies and procedures to help ensure these comply with the requirements of Title IX; and
7. is free of potential conflicts of interest.

D. The Title IX Coordinator will implement an OCR-approved monitoring program, through which the District will ensure that the following will be done annually and not later than July 30:

1. review all reports and complaints of discrimination on the basis of sex, including allegations of sexual harassment by students and employees;
2. review all information collected during the climate surveys required by Section VI of the Agreement;
3. compile, evaluate, and analyze all survey, report, and complaint data collected, and conduct an assessment of whether reported incidents of sexual harassment have increased or decreased in number or severity and if there are particular locations or programs in the District where a sex-based hostile environment may exist; and
4. propose recommendations, if warranted, for improving the District's anti-harassment efforts and timelines for implementing the recommendations.

**E. Reporting**

1. Within 30 calendar days of signing the Agreement, the District will submit documentation demonstrating its compliance with Sections I.A-C above to OCR consisting of a copy of the notice required under I.A and the Position Description for its Title IX Coordinator to demonstrate its compliance with I.B.
2. For the duration of the monitoring period, on an annual basis not later than July 30<sup>th</sup> of each calendar year, the Title IX Coordinator will provide a report to the District's Superintendent and the Board of the results of the assessment performed under its Monitoring Plan. The report will include, at a minimum, (a) a summary

of the number of complaints received in the prior fiscal year, broken down by type of report or complaint (e.g. sexual assault, other sexual harassment, other sex discrimination, or retaliation); (b) any identified trends or patterns identified; (c) a summary of the results of the climate surveys required below; (d) any actions taken in response to identified trends or the results of the climate surveys; and (e) any recommendations, with timelines, for improving the District's anti-sexual harassment efforts.

3. In addition, by July 30, 2025, the District will provide the report outlined in I.E.2 above to OCR for review. OCR will promptly review the reports and provide notice of any compliance concerns identified during its review. If OCR identifies any concerns with the District's monitoring efforts or compliance with Title IX, the parties will meet and confer within 30 days of notice to the District to resolve OCR's concerns and the District will take prompt action to remedy any identified concerns.

## **II. Title IX Policies and Grievance Procedures**

- A. Within 30 days of signing this Agreement, the District will provide to OCR for its review and approval the District's policies prohibiting sex discrimination, including sexual harassment, and its grievance procedures for providing a prompt and equitable resolution of complaints of student-to-student and employee-to-student sexual harassment. The District will ensure that its revised Title IX policies and procedures comply with Title IX and its implementing regulations in effect at that time. The District's policies and procedures will ensure that the respective Title IX-related roles and responsibilities of the Title IX Coordinator(s) and school-based administrators are distinct and clear with respect to the division of responsibilities when responding to reports and complaints of sexual harassment.
- B. OCR will promptly review the District's policies and advise the District of any concerns it may have about the policies. If OCR has no such concerns, it will so advise the District in writing.
- C. If OCR identifies any concerns about the District's policies, the parties shall meet and confer within 30 days of OCR's notice to the District to resolve OCR's concerns and the District will promptly.
- D. Within 30 days of OCR's final approval of the District's revised policies and grievance procedures, the District will adopt, publish, provide notice of, and widely disseminate the approved policies and grievance procedures to students, parents and guardians, employees, applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the District as required by the Regulations. The notice will include, at a minimum:

1. posting a link to the policies and procedures on all the District's relevant webpages, including, but not limited to, the District's homepage, school homepages, ICA homepage, and its Staff Portal;
2. sending a link to the policies and procedures to all District employees via e-mail;
3. Sending all policies and procedures to all District parents/guardians through Facts for Parents; and
4. including information in each school's student handbook, parent handbook, and/or family handbook about how to access the policies and procedures and who to contact with questions related to the policies and procedures.

#### **E. Reporting**

Within 60 days of OCR's final approval of the policies and procedures, the District will submit to OCR documentation demonstrating that the Board adopted the approved policies and procedures, and that the District widely disseminated the approved policies and procedures as required by Section II.D above.

### **III. Training for Personnel**

- A. For the duration of OCR's monitoring of this Agreement, the District will ensure that employees who are involved in the resolution process for sexual harassment complaints, including the District's Title IX Coordinator(s), school-level administrators, investigators, decision-makers, any person facilitating an informal resolution, the District's Executive Director of Special Education and its Section 504 Coordinator as well as any other District employees who are designated to be responsible for any stage of the Title IX grievance procedures and Title IX grievance process for sexual harassment complaints, are provided with the training required under Title IX on an annual basis including processing, investigating, adjudicating, and/or resolving reports and formal complaints of sexual harassment to ensure that investigations are prompt and equitable, including the District Section 504 Coordinator and Director of Special Education. The training will also review and include instruction on:
1. the District's Title IX policies and grievance procedures approved under Section II above;
  2. the roles, responsibilities, and relationship between the ICA, Title IX Office, Human Resources, and District Police as they relate to compliance with Title IX;
  3. the definition of sexual harassment under the Title IX regulations and how to identify what constitutes sexual harassment that meets that definition;
  4. what constitutes notice of sexual harassment and the duty to respond to such notice;
  5. reporting sexual harassment and the difference between reports and complaints of sexual harassment;
  6. the scope of the District's education program or activity;

7. how to correctly code sexual harassment incidents to ensure that they are appropriately identified and that the District responds to them as required by the Title IX regulations;
  8. available supportive measures for the parties and remedies for complainants and others subjected to sexual harassment;
  9. the District's obligations as they relate to Section 504 and Title II for students with disabilities or suspected of having disabilities, particularly the need to (a) reevaluate prior to any significant change in placement or when a student's needs change and (b) consider any potential denial of a free and appropriate public education (FAPE) for students subjected to harassment;
  10. how to conduct an investigation and grievance process for complaints of sexual harassment, involving students, employees, and third parties, including, if applicable, hearings, appeals, and informal resolution processes;
  11. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
  12. for investigators, how to assess relevance to create an investigative report that fairly summarizes relevant evidence;
  13. recordkeeping requirements under the Title IX regulations;
  14. notice to all parties of the outcome of the investigation; and
  15. the Title IX prohibition on retaliation.
- B. For the duration of OCR's monitoring of this Agreement, the District will provide annual training to all District employees (including, but not limited to, District Police, ICA employees, and Human Resources) that will cover:
1. its Title IX policies and grievance procedures approved under Section II;
  2. how to identify what constitutes sexual harassment, including a hostile environment;
  3. the obligation of the District's employees to report sexual harassment to the designated site administrator and the Title IX Coordinator, including allegations of employee-to-student sexual harassment;
  4. the District's responsibilities under Title IX to respond to reports and formal complaints of sexual harassment;
  5. the remedies available to parties found to have been subject to sexual harassment; and
  6. the District's responsibility to consider the effects of sexual harassment on students with a disabilities' access to a FAPE or to reevaluate prior to a significant change in placement, such as to determine when an exhibited behavior may be a manifestation of a student's disability.
- C. **Reporting**
1. Within 60 days of receiving OCR's approval of the revised policies and grievance procedures required by Section II, the District will submit to OCR its plan for how the aforementioned required trainings will be presented, including (a) the programs or materials to be used; (b) the name(s), job title(s)/position(s), and

qualifications of one or more proposed qualified individuals to provide the training, if the training is to be presented by an individual; (c) a description of how the training will be delivered (“delivery method”); and (d) a proposed training schedule and deadline by which all employees will be directed to complete the training.

2. Within 30 days of receipt of the District’s proposed training plan, OCR will review the proposed plan and content of the District’s proposed training. If OCR has no concerns, it will so advise the District in writing.
3. If OCR identifies any concerns about the District’s proposed training, the parties will meet and confer within 30 days to resolve OCR’s concerns.
4. Once OCR approves the training materials, the District will begin to deliver that training to District employees within 90 days.
5. Within 30 days of completing the training required under Section III.A, the District will provide to OCR documentation that it has provided the training including: (a) the dates and times of the training; (b) its delivery method (e.g., in person, online, or hybrid); (c) the name(s) and title(s) of the trainer(s); and (d) a copy of any materials used or distributed during the training.
6. No later than July 30<sup>th</sup> of each year, the District will provide to OCR a report on the number of employees who completed the training required under Section III.B and its efforts to ensure all employees completed the training. The District will be deemed to have complied with training requirement of Section III if it took reasonable and consistent efforts to ensure all employees completed the training.
7. Nothing in this Agreement shall prohibit the District from providing training to its employees prior to OCR’s approval of the District’s proposed plan and contents of its training. In the event the training presented prior to approval is subsequently approved by OCR, the District will be deemed to have met that part of its training requirement provided all terms in Sections III.A and III.B are met.
8. Within 30 days of conducting the training, the District will provide to OCR documentation that the District published notice on its website that all materials used to train these individuals as required by the Title IX regulations will be made available upon request from members of the public. Within 30 days of conducting the training, the District will (a) report any proposed revisions to the training in response to feedback from attendees for OCR’s review and approval, (b) make any OCR-approved revisions to the training within 30 days, and (c) make any revised training materials available upon request from members of the public within 60 days of OCR’s approval.

#### **IV. Training for Students**

- A. During each school year, for the duration of OCR’s monitoring of the Agreement, the District will provide age-appropriate training for District students in grades 3-12 that will cover:
  1. the District’s revised Title IX policies and grievance procedures developed under Section II, including where to locate the policy and procedures on the District’s website, and the existence of OCR and its authority to enforce Title IX;

2. the District's Title IX Coordinator, including current and complete contact information, as well as school administrators and their respective roles in coordinating the District's response to reports and formal complaints of sexual harassment;
3. what constitutes sexual harassment;
4. the District's prohibition against sex discrimination, including sexual harassment;
5. the District's commitment to having a District environment free from sexual harassment and other harassment based on sex;
6. a statement that harassment of students based on sex will not be tolerated;
7. what students should do if they believe they or other students have been subjected to sexual harassment, including how to report such harassment and file a formal complaint of such harassment with the Title IX Coordinator or their designee; and
8. the supportive measures available to students who report sexual harassment or retaliation, and the available remedies following a finding of sexual harassment and/or retaliation after an investigation.

## **B. Reporting**

1. Within 60 days of signing the Agreement, the District will submit to OCR for its review and approval: (a) draft materials to train students under Section IV above; (b) the name(s), job title(s)/position(s), and qualifications of one or more proposed qualified individuals to provide the training; and (c) a description of the training delivery method (e.g., online, in-person, in a class vs. an assembly).
2. Within 30 days of the end of each school year, the District will submit to OCR: (a) confirmation that each school provided the training session(s) by the approved deadline; (b) confirmation that the approved training materials were used; (c) confirmation that the approved trainer(s) conducted the training; and (d) confirmation that the approved delivery method was used.

## **V. Policy and System for Collection and Maintenance of Data and Records**

- A. Within 60 days of signing the Agreement, the District will develop for OCR's review and approval a written policy to implement a centralized recordkeeping system that adequately and accurately documents and preserves all reports and complaints of sexual harassment as required by the Title IX regulations ("Recordkeeping Policy"). The District will ensure that the Recordkeeping Policy and centralized recordkeeping system will include, at a minimum:
  1. definitions of key terms, including but not limited to, sexual assault, dating violence, domestic violence, stalking, quid pro quo sexual harassment, and hostile environment sexual harassment;
  2. relevant discipline codes in the District's electronic student information system;
  3. relevant incident codes in the District's electronic employee information system;
  4. electronic tracking of all Title IX reports and formal complaints of sexual harassment in a manner that includes relevant information related to the report or complaint, including: (a) the reporter's name and status (e.g., student, parent,

teacher) for reports; (b) the complainant's name and status for formal complaints; (c) the respondent's name and status; (d) a description of the alleged harassment (e.g., sexual assault); (e) the names and statuses of all identified witnesses of the alleged harassment; (f) the name and job title of the person receiving the report or complaint; (g) the date, time, and location of the harassing incident(s); (h) the date the District became aware of the incident(s); and (i) the date the Title IX Coordinator received notice of the incident;

5. documentation of all disciplinary sanctions issued to students or employees for violations of the revised Title IX policies and grievance procedures referenced in Section II;
6. notification in personnel files of all final Title IX determinations against employees or contractors (e.g., School Resource Officers and others) consistent with the Title IX regulation, state and local laws, District policies, and applicable collective bargaining agreements. The notation will provide (a) a summary of the nature of the allegation of sexual harassment; (b) indicate whether the District found that the employee or contractor engaged in sexual harassment, including any violation of District policies; and, if so, (c) the sanction(s) the District imposed on the employee or contractor;
7. maintenance of all notification letters and written determinations regarding sexual harassment provided to and received by the parties; and
8. documentation of any supportive measures and/or any remedies offered to the parties and/or other individuals prior to, during, and/or after the completion of an investigation of sexual harassment.

B. The Recordkeeping Policy also will specify that the Title IX Coordinator will be responsible for maintenance of the centralized recordkeeping system in accordance with state and federal law as well as District regulations:

1. who is responsible for maintaining specific records and information;
2. how records and information are maintained;
3. how long records must be maintained under the Title IX regulations;
4. how the District will record actions taken with respect to disability rights for students with disabilities involved in Title IX complaints and investigations;
5. how records and information will be destroyed after they have been held for the length of time required by the Title IX regulations;
6. who is responsible for destroying records and information;
7. the process for receiving investigative and other relevant records from law enforcement in a timely manner; and
8. how the District will ensure that the policies and procedures are followed with fidelity.

C. Within 60 days of OCR's approval of the proposed Recordkeeping Policy, the District will adopt and provide notice of the approved policy. The notice will include, at a minimum:

1. posting a link to the policy on the Board's webpage;



2. sending the policy electronically to all employees; and
  3. posting a link to the policy on the District's employee webpage.
- D. The District will ensure that the Title IX Coordinator or designee implements the centralized recordkeeping system consistent with the policy requirements set forth in Sections V.A-B.
- E. Within 60 days of the end of each school year until OCR closes its monitoring of this Agreement, the District will provide to OCR an electronic, sortable file from a centralized recordkeeping system that will include the following information regarding all reports and formal complaints of sexual harassment, including sexual assault that the District received in the preceding semester:
1. the name of the reporter;
  2. the status of the reporter (e.g., student, parent, employee);
  3. the name of the complainant;
  4. the status of the complainant;
  5. the name of the respondent;
  6. the status of the respondent;
  7. whether the respondent or complainant are students with disabilities with either an IEP or Section 504 plan;
  8. the date of the report or complaint;
  9. the date(s) of the alleged incident(s);
  10. the nature of the alleged incident(s);
  11. the school(s) involved;
  12. the date the investigation commenced;
  13. the date(s) the District provided written notice of the allegation(s) to the parties;
  14. any supportive measure(s) offered to the complainant, respondent, and/or any other individual;
  15. the date the investigation was completed;
  16. the date of the notice of the investigation's outcome to the parties;
  17. the date of any findings;
  18. a summary of the findings (e.g., respondent sexually assaulted the complainant at a school event on X date and retaliated against the complainant on Y date);
  19. the date of any appeal (if applicable);
  20. the outcome of any appeal (if applicable);
  21. any sanctions imposed on the respondent;
  22. any remedies offered to the complainant and/or other individuals, and any provided remedies;
  23. a description of any steps the District took to eliminate and/or prevent the recurrence of a hostile environment created by the incident;
  24. for students with disabilities, a description of any actions taken to address their disability-related needs;
  25. the date of any dismissal of a formal complaint; and
  26. the basis for any dismissal of a formal complaint (e.g., allegations did not meet the definition of sexual harassment in the Title IX regulations).

- F. Upon request, the District will provide to OCR within 30 days a copy of the complete investigative file, including applicable school-level records, student disciplinary records, employee disciplinary records, and Human Resources/Personnel files. The data will be produced electronically in a mutually agreed format and will be organized and labeled as individual files, with all relevant documents for an incident.

#### **G. Reporting**

1. Within 60 days of signing the Agreement, the District will submit to OCR for its review and approval its proposal for centralized recordkeeping and a draft of the Recordkeeping Policy required by Section V.
2. OCR will review the proposed centralized recordkeeping system and Recordkeeping Policy and advise the District if it has any concerns. If it has no concerns, it shall so advise the District in writing. If OCR has any concerns, the parties will meet and confer within 30 days to resolve any concerns.
3. Within 60 days of receiving OCR's final approval of the Recordkeeping Policy, the District will submit to OCR documentation demonstrating that the District adopted the approved policy and disseminated the policy as required.
4. Within 60 days of the end of every semester until OCR closes its monitoring of the Agreement, the District will provide to OCR an electronic, sortable file that includes all of the information required by Section V.E above.
5. Within 90 days of signing the Agreement, and each year thereafter until OCR closes its monitoring of the Agreement, the District will submit to OCR a copy of the Title IX Coordinator's report to the Board required by Section I.E.2 above. The District will promptly and fully address OCR's concerns, if any, until the District receives notice from OCR that no further reporting is required for this Reporting requirement.

#### **VI. Climate Surveys**

- A. Beginning in the 2024-2025 school year, the District will administer an annual age-appropriate climate survey of students in grades 3-12, an annual climate survey of parents/guardians, and an annual climate survey of District employees with respect to sexual harassment in the District's schools, programs, and activities. The surveys will inquire about:
1. the prevalence of sexual harassment in the relevant school and the District;
  2. the willingness to report sexual harassment to District personnel;
  3. whether students, parents and guardians, and employees have sufficient information about the District's policies prohibiting sexual harassment and how to report it;
  4. whether students, parents and guardians, and employees are able to find the District's policies and grievance procedures regarding sexual harassment;
  5. perceptions of the District's response to reports and complaints of sexual harassment;

6. whether employees and students have sufficient information about the District's anti-harassment policies and are able to find the appropriate resources when necessary; and
  7. suggestions for reducing incidents of sexual harassment in the District and improving the District's response to reports and complaints of sexual harassment.
- B. The District will, for all climate surveys described in Agreement Section VI.A:
1. analyze the results, information, and feedback provided in each climate survey;
  2. use the results, information, and feedback to propose a plan of action to address all concerns identified and any revisions to its policies, grievance procedures, and/or training practices needed to respond to those concerns; and
  3. provide for OCR's review and approval the proposed plan of action and revisions.

**C. Reporting**

1. Within 60 days of signing the Agreement, the District will submit to OCR a draft plan for conducting the school climate surveys for OCR's review and approval. The draft plan will include (a) an assessment timeline; (b) the proposed student, parent/guardian, and employee survey instrument(s); and (c) a description of how the assessment(s) will be conducted and data reviewed.
2. By August 30 of each year during OCR's monitoring of the Agreement, the District will provide OCR with documentation of the administration of the school climate surveys to students, parents/guardians, and District employees. The documentation will include, at a minimum, (a) the date(s) the survey was administered, (b) the survey results, (c) the District's analysis of the survey results, and (d) the proposed responsive actions the District will take to remedy the school climate results, for OCR's review and approval.

**VII. Memoranda of Understanding (MOU) with Outside Law Enforcement**

- A. The District will provide written notice to any outside law enforcement agencies (Notice), with which it has an MOU for activities which may fall under the purview of Title IX, that the involvement of outside law enforcement agencies with incidents occurring within the scope of the District's programs or activities does not relieve the District of its obligations under Title IX; and a statement that the District may request information from outside law enforcement that is necessary for coordinating the District's Title IX response and which may legally be shared and that any such information will be maintained by the District Title IX Office. The District will not enter into any MOUs(s) that purport to assign the District's Title IX responsibilities to outside agencies.
- B. Trainings for District Police will address: the District's non-discrimination obligations under Title IX; the District's revised policies, practices, and procedures; how to work with the District's students in a manner consistent with this Agreement; how to ensure accurate collection and reporting of data regarding law enforcement-

student interactions, including citations, arrests, detentions to the extent permitted by law; how to ensure timely provision of documents and/or information to the Title IX Coordinator that are necessary for the District's response to notice of sexual harassment; and the District's commitment to reinforcing positive student behavior and ensuring to the maximum extent possible under state and federal law that misbehavior is addressed in a manner that does not exclude the student from the educational program.

### **C. Reporting**

1. Within 90 days of signing the Agreement, the District will provide the draft Notice to OCR for its review and approval.
2. Within 30 days of receiving OCR's approval of the Notice, the District will provide confirmation to OCR that the Notice has been provided to law enforcement.

## **VIII. District Review of Prior Title IX Records**

- A. The District will review the case files for a subset of the reported incidents of employee-to-student and student-to-student sexual harassment from the first semester of the 2019-2020 school year that OCR identifies for the District's review. The purpose of the review will be to determine if further action is needed to provide an equitable resolution of the incident. Such further action may include offering remedies for individuals who are currently enrolled in the District and were affected by a sex-based hostile environment in the District's education programs or activities. The District will complete its review within 60 days of OCR's identifying the case files for review.

### **B. Reporting**

Within 30 days of the District's completion of its review of the case files OCR identified (i.e., within 90 days of OCR's notice to the District of the case files identified), the District will report the following to OCR for each case file:

1. a summary of the District's review, including who reviewed the case file, if they identified other relevant documentary evidence, if they interviewed or otherwise contacted students, parents/guardians, or employees, and what the review determined (e.g., the harassment was substantiated and created a hostile environment for two students);
2. the name of any individual affected by the alleged harassment and hostile environment, including whether the individual was a student or employee;
3. a description of all corrective steps the District has taken, including the provision of any remedies to the affected individual(s) and/or other action(s) (e.g., training for an employee determined to have sexually harassed District students);

