

**Resolution Agreement
San Marino Unified School District
OCR Case No. 09-14-1522**

To resolve the above-referenced complaint with the U.S. Department of Education, Office for Civil Rights (OCR), filed pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II) and their implementing regulations, the San Marino Unified School District (Recipient), without admitting to any violation of the law, agrees to take the following actions:

I. Revise Inter-District Transfer Policy

- A. Delete the online description of its inter-district transfer policy as described on its website which states:

Students will not be admitted if their attendance will incur excess costs on the District. Should the student later be identified as needing additional services, the student will be transferred back to his/her district of residency. This includes Special Education Services. By November 20, 2015 the Recipient will provide documentation to OCR showing that the provision above was deleted.

- B. Delete the provision of its Board Policy (BP) and corresponding Administrative Regulation (AR) which states:

A permit may be revoked immediately in cases when the student incurs costs in excess of income received by the state when reimbursement for these costs is denied by the district of residence.

By December 4, 2015 the Recipient will provide documentation to OCR showing that the provision above was deleted.

- C. Adopt a revised BP and corresponding AR which do not provide for automatic transfer back due to costs alone. By January 8, 2016 the Recipient will provide OCR documentation that the revised BP and corresponding AR were adopted by the Recipient's Board.

II. Website

- A. Publish the revised BP and AR on the Recipient's website, and maintain copies at the District office.

By January 8, 2016 the Recipient will provide OCR documentation that the revised BP and corresponding AR were published on the Recipient's website.

III. Notice

- A. Notify all administrators and staff involved in the inter-district transfer process of the revised policy. By January 8, 2016 the Recipient will provide OCR documentation that administrators and staff involved in the inter-district transfer process were notified of the revised policy.

IV. Monitoring

- A. The Recipient understands that OCR will not close the monitoring of this agreement until OCR determines that the Recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 and Title II at 34 C.F. R. Part 104 and 28 C.F.R. Part 35, which were at issue in this case.
- B. The Recipient 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 Recipient understands that during the monitoring of this agreement, if necessary, OCR may visit the Recipient, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 and Title II at 34 C.F. R. Part 104 and 28 C.F.R. Part 35, which were at issue in this case.
- C. The Recipient 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 Recipient written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Gary McGuigan, Assistant Superintendent
of Instructional Services
San Marino Unified School District

11/10/2015
Date