

Lawsuit says former San Marcos Unified superintendent skirted special education rules

Former Superintendent Melissa Hunt was accused in a lawsuit of downsizing the special education department to save on costs.

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By KRISTEN TAKETA

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The San Marcos Unified School District is being sued by one of its administrators who claims the district's last superintendent tried to downsize the special education department.

The lawsuit says former Superintendent Melissa Hunt tried to reduce special education funding and staff, despite federal laws restricting school districts from cutting special education spending except in certain circumstances. Special Education Director Dawn Dully filed the lawsuit against the district in San Diego County Superior Court in November.

Dully - who still works for the district - alleged in the lawsuit that when she resisted the planned cuts, Hunt verbally harassed her and threatened her job.

Hunt, who retired in August, said Monday in an interview that she does not want to comment on the lawsuit but, she said, special education has always been a priority at San Marcos Unified.

"You don't ever want to hurt children, and special education kids are among our most vulnerable," Hunt said. "I think there's a lot of history with us being very concerned about special education and ensuring we're able to offer the services our students deserve and need."

Mark Schiel, assistant superintendent of business services for San Marcos Unified, wrote in an email: "The District disputes any suggestion that it is not providing appropriate services for its students."

Special education is a growing cost that school districts are struggling to afford. San Marcos Unified is no exception.

With Hunt as superintendent, the district of 21,000 students told the state last year that it did not expect to meet its

financial obligations within the next two years. In addition to special education, the district also struggles to afford rising pension costs and board-approved salary increases, a state fiscal agency wrote in January 2018.

As expensive as special education is, school districts are not allowed to reduce how much they spend on it except in limited circumstances, such as if the number of students with disabilities drops or if special education employees voluntarily leave the district.

In San Marcos' case, the number of students with disabilities rose by 326 students between 2016 and 2018, according to state data.

School districts often find it difficult complying with the federal law requiring them to maintain special education spending, especially since state and federal funds earmarked for special education have never fully covered its cost.

According to Dully's lawsuit, Hunt asked Dully to eliminate the district's special education program coordinator and a special education program specialist. The suit said Hunt also transferred a special education staff member to another department and tried to relocate a special education program at a school, upsetting parents who would have had to uproot their children from a school they had become accustomed to.

The lawsuit also claimed that Hunt verbally harassed Dully and threatened to let Dully go if she refused to go along with the demands.

Dully's lawsuit suggested Hunt did not know enough about how special education works, noting for example that Hunt asked Dully to explain what a "free and appropriate public education" means, a fundamental concept of special education. Federal law guarantees that students with disabilities have a right to a free and appropriate public education.

"It became very clear to [Dully] that she was being retaliated against for insisting the kids be protected," said [Josh Gruenberg](#), Dully's lawyer. "I don't think [Hunt] appreciated the laws that applied to these kids and therefore didn't understand that it had to be a priority and what was required under the law."

Hunt in an interview said she has not seen the lawsuit, which was not filed against her. She said she retired to spend more time with her family.

The district responded to Dully's lawsuit in January, denying all of Dully's allegations.

The district listed among its 33 defenses a claim that Dully had failed to exhaust other remedies or grievance procedures before suing the district. The district also said Hunt's alleged actions were done for business reasons, not to harass Dully and that Dully had suffered no damages.

Dully's lawsuit seeks unspecified monetary damages related to mental and emotional distress, legal costs and others.

<https://www.sandiegouniontribune.com/news/education/story/2019-05-24/lawsuit-accuses-former-san-marcos-unified-superintendent-of-skirting-special-education-requirements>