

RESOLUTION AGREEMENT

Tucson Unified School District Case Number 08-13-1238

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced complaint against the Tucson Unified District (“District”), pursuant to Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35. Prior to the completion of OCR’s investigation, the District voluntarily agreed to resolve an allegation of this complaint pursuant to Section 302 of OCR’s Case Processing Manual (CPM). This resolution has been entered into voluntarily between the parties and does not constitute a finding or admission that the District is not in compliance with Section 504 and Title II and their implementing regulations. Accordingly, to ensure compliance with Section 504 and Title II and their implementing regulations and to resolve the allegation of this complaint, the District voluntarily agrees to take the following actions:

Resolution Actions and Reporting

1. By September 1, 2014, and annually until OCR closes monitoring of this Agreement, the District shall provide a written communication to all District staff responsible for administering and/or training staff on the administration of State Assessments to students, and to all staff responsible for drafting students IEPs and Section 504 Plans. This written communication shall inform the recipients of the requirements of Section 504 as it relates to the provision of approved accommodations during State Assessments. Also, the written communication shall instruct all District staff responsible for administering State Assessments to students that upon the District’s realization that the District may not properly implement a student’s IEP or Section 504 Plan and simultaneously comply with State testing guidelines, as time allows the District will quickly resolve the conflict using the best means possible, such as by scheduling an IEP/ Section 504 meeting to address the conflict, or by contacting the parents to provide them with their options . The written communication shall also note the requirement to provide the same level of instructions to all students taking the test, regardless of disability status.

REPORTING REQUIREMENT 1.1:

By June 15, 2014, the District will provide OCR, for OCR’s review and approval, the draft written communication described in Term 1.

REPORTING REQUIREMENT 1.2:

By September 1, 2014, or within 30 calendar days of OCR’s approval of the written communication if OCR has not approved the written communication prior to September 1, 2014, the District shall provide OCR with documentation showing it has complied with Term 1 of this Agreement. At a minimum, the

District shall provide OCR with a copy of the final written communication and a list of the job categories of the recipients of the written communication.

2. Within 30 days after the last day of the Arizona Instrument to Measure Standard (AIMS) at the XXXX School (School) for the 2014-2015 and 2015-2016 school years, the District shall conduct and complete an audit. The audit shall determine whether the District implemented all accommodations required under the IEP or Section 504 Plan, that apply to the AIMS test, of all students in the School. If the District did not implement any required provisions of any IEP or Section 504 Plan because of a conflict between the terms of the IEP or Section 504 Plan and State testing guidelines, the audit shall identify all actions the District took to resolve the conflict.

REPORTING REQUIREMENT:

Within 15 days after the completion of the audit, the District will provide OCR with documentation showing it has complied with Term 2 of the Agreement. At a minimum, the District shall provide a complete list of names of all students at the School with an IEP or Section 504 Plan who took the AIMS during the school year, and provide a statement whether the District implemented all of the terms required under the IEP or Section 504 Plan for AIMS for each student. For any student where the District was unable to implement the terms of the IEP or Section 504 Plan for AIMS because of conflicts with State testing regulations, the District shall provide an explanation and documentation of all actions it took to resolve the conflict.

3. By May 23, 2014, the District will convene a Section 504 meeting and invite the Complainant to the meeting. The purpose of the meeting is to ensure that the Student's Section 504 Plan properly addresses the Student's individualized needs during State Assessment testing and also is drafted in a way that complies with State Assessment accommodation guidelines.

REPORTING REQUIREMENT:

Within 15 days after the meeting, the District will demonstrate to OCR it has complied with Term 3. At a minimum, the District shall provide a copy of the Student's revised Section 504 Plan, the meeting notes, and a narrative describing how the terms regarding accommodations for State Assessment testing included in the Student's Plan complies with State Assessment guidelines. If the Complainant declines the invitation to the meeting, the District shall provide a copy of the invitation to the meeting and any notes and records of communications with the Complainant showing the Complainant's declination.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this 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 this Agreement and is in compliance with the Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35 which were at issue in this case.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35 which were at issue in this 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 shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

_____/S/_____
For Tucson Unified School District

_____/May 7, 2014_____
Date