



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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May 2, 2014

Dr. H. T. Sánchez  
Tucson Unified School District  
P.O. BOX 40400, 1010 East 10th Street  
Tucson, Arizona 85719

Re: Tucson Unified School District  
OCR Case Number: 08-14-1017

Dear Dr. Sánchez:

On November 5, 2013, we accepted for investigation a disability discrimination complaint against Tucson Unified School District ("District"). Specifically, the Complainant alleged that the District inappropriately used restraints on her daughter, who is a student with disabilities [clause redacted].

We initiated an investigation of these allegations under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, and their implementing regulations. The District is subject to Section 504 and Title II because it is a recipient of Federal financial assistance from the U.S. Department of Education and is a public entity.

During the course of OCR's processing of this complaint, the District expressed an interest in resolving the allegations. Pursuant to Section 302 of our *Case Processing Manual*, we determined that it was appropriate to enter into an agreement without completing a full investigation of these allegations.

On May 2, 2014, we received the District's signed Resolution Agreement (copy enclosed). When the Agreement is fully implemented, the allegations will be resolved consistent with the requirements of Section 504, Title II, and their regulations. OCR will monitor implementation of the Agreement through periodic reports demonstrating the terms of the Agreement have been fulfilled. We will promptly provide written notice of any deficiencies with respect to the implementation of the terms of the agreement and will promptly require actions to address such deficiencies. If the District fails to implement the Agreement, we will take appropriate action, which may include enforcement actions.

OCR routinely advises recipients of Federal funds and public educational entities that Federal regulations prohibit intimidation, harassment, or retaliation against those filing complaints with OCR and those participating in a complaint investigation. Complainants and participants who feel that such actions have occurred may file a separate complaint with OCR. The complainant may also have a right to file a private suit in Federal court whether or not OCR finds a violation.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will protect personal information to the extent provided by law.

This concludes OCR's investigative phase of this complaint. We thank you and your staff for their cooperation. If you have any questions regarding this or other civil rights matters, please feel free to contact me at (303) 844-2557, or XXXX, the investigator assigned to this case, at XXXX.

Sincerely,

/s/

Stephen Chen  
Supervisory Attorney

Enclosure – Resolution Agreement

Cc: Mr. John Huppenthal  
Superintendent of Public Instruction

Denise Lowell-Britt, Attorney at Law