



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VIII
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March 16, 2016

Dr. H. T. Sanchez
Superintendent
Tucson Unified School District
1010 E. Tenth Street
Tucson, Arizona 85719

Re: Tucson Unified School District
OCR Case Number: 08-16-1010

Dear Superintendent Sanchez:

On October 13, 2015, we received a complaint alleging that Tucson Unified School District (District) discriminated on the basis of disability. We determined that we have the authority to investigate this complaint consistent with our complaint procedures and applicable law.

Specifically, the Complainant alleged that the District retaliated against a Student with a disability because the Complainant filed a discrimination complaint with OCR, by not allowing the Student to sit in the student section at a Tucson High School football game.

We initiated an investigation of the complaint under the authority of Section 504 and its implementing regulation, at 34 Code of Federal Regulations 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 prohibit discrimination on the basis of disability in programs or activities that receive Federal financial assistance from the Department and by public entities respectively. As a recipient of Federal financial assistance from the Department and as a public entity, the District is subject to these laws.

During our review of the data we requested regarding the allegation raised in the complaint, the District expressed an interest and willingness in resolving the complaint through a voluntary agreement with OCR. Pursuant to Section 302 of OCR's Case Processing Manual, resolution options were discussed with the District. The District has entered into the enclosed Agreement, which, when fully implemented, will resolve the concern raised by the complaint. The provisions of the Agreement are aligned with the issue and allegation raised in the complaint and are consistent with the applicable regulations.

Upon completion, these steps will ensure the District meets Section 504 and Title II obligations to provide a non-discriminatory educational environment.

We will monitor the District's implementation of the terms of the Agreement until all provisions have been satisfied. OCR has notified the Complainant that the District has entered into this

Agreement, and we will provide the Complainant a copy of the Agreement. We will also keep the Complainant apprised of monitoring activities related to this case.

This concludes our investigation of this complaint. This letter addresses only the allegation raised in this complaint and should not be interpreted as a determination of the District's compliance or noncompliance with Section 504 and Title II or any other federal law in any other respect. Accordingly, we are closing the investigation of the complaint effective the date of this letter.

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. Additionally, the Complainant has 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.

Thank you for your cooperation and the District's attention to this matter. If you have any questions regarding this matter, please contact XXXX, Equal Opportunity Specialist and the primary contact for this case, at XXXX, or by email at XXXX.

Sincerely,

A handwritten signature in black ink, appearing to read 'Angela Martinez-Gonzalez'.

Angela Martinez-Gonzalez
Supervisory General Attorney

Enc. Resolution Agreement

cc: Denise Bainton
District Legal Counsel

Ms. Diane Douglas, Superintendent
Arizona Department of Education