

**Resolution Agreement  
Tucson Unified School District  
OCR Case Number 08-18-1248**

In order to resolve the allegations in Case Number 08-18-1248 filed against the Tucson Unified School District (District), the District agrees to implement the following Resolution Agreement. These complaint allegations were opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR) pursuant to Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (Section 504) and its implementing regulation at 34 C. F. R. part 104 and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131– 65, and its implementing regulation at 28 C.F.R. part 35, which prohibit discrimination on the basis of disability in public education programs that receive Federal financial assistance from the Department.

During the course of OCR’s investigation, before OCR had made any findings, the District indicated its willingness to take steps necessary to ensure compliance with Section 504 and Title II. Pursuant to Section 302 of OCR’s *Case Processing Manual*, a complaint may be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the complaint, OCR believes that doing so is appropriate, and the remedies align with the allegations. The District’s decision to enter into this Agreement is not an admission of liability or wrong-doing, nor shall it be construed as such.

**REQUIRED ACTIONS:**

1. The District will expunge the Complainant’s son’s (Student) school disciplinary record for all years prior to the beginning of the 2018-19 School Year, and will notify the Complainant in writing that the expungement has occurred.

**REPORTING REQUIREMENT 1: By September 1, 2018**, the District will provide OCR, for OCR’s approval, documentation that it has made this expungement and has notified the Complainant in writing of the expungement.

2. The District’s General Counsel will provide training to all staff at XXX Middle School and XXXX K-12, including administrators, teachers, and related service providers addressing:
  - That retaliation is a prohibited form of discrimination;
  - The District’s prohibitions against retaliation;
  - Examples of prohibited retaliation; and
  - Ways to avoid engaging in prohibited retaliation.

**REPORTING REQUIREMENT 2A: By September 15, 2018**, the District will provide OCR, for OCR’s approval, its draft training materials and a list of personnel required to participate in the training, by name and title.

**REPORTING REQUIREMENT 2B:** Within 60 days of OCR's approval, the District will provide OCR documentation demonstrating that the training was provided and a copy of the training sign-in sheets.

3. **By November 1, 2018**, the District will hold an appropriately convened IEP meeting limited solely to address the February 2, 2018, incident involving the Student which occurred at XXXX. The attendees will include the Complainant; the XXXX principal, general education teacher, and special education teacher; and the District's Director of Exceptional Education or her designee. In the event the Complainant has an attorney or advocate at the meeting, the District may also have an attorney. The District will make three good faith attempts, a week apart, to schedule and hold the meeting. If the Complainant does not accept the invitation or attend the meeting, upon the third attempt the District will hold the meeting in her absence. The items to be discussed and determined at the meeting are whether the Behavior Plan, which is incorporated into and is a part of the Student's IEP, was properly implemented during the February 2, 2018, incident; if it was not properly implemented, whether compensatory services or remedial measures are appropriate; and if compensatory services or remedial measures are appropriate, the amount and nature of those services and a timeframe for implementation of those services during the 2018-19 School Year.

**REPORTING REQUIREMENT 3A:** Within 30 days of the meeting, the District will provide OCR, for OCR's approval, documentation that this meeting occurred, including but not limited to the invitation(s) to the meeting and a copy of the meeting notes, and an explanation of the IEP Team's determinations. If the Complainant declines the invitation to the meeting or does not attend, the District shall provide OCR with the invitation to the meeting and any notes and records of communications with the Complainant related to the meeting.

**REPORTING REQUIREMENT 3B:** Within 30 days of OCR's approval, the District will provide documentation that it has provided or is in the process of providing the compensatory services or remedial measures. The District need not wait for OCR's approval to begin providing these services or measures, but OCR's approval shall be required for the services/measures to be deemed completed. For compensatory services and remedial measures that will occur over time, the District will submit documentation regarding the specific timelines for implementation, the person(s) responsible for providing services, the person(s) responsible for overseeing full and timely implementation, and supporting documentation establishing that the compensatory services and remedial measures are being provided as specified.

**REPORTING REQUIREMENT 3C :** Once all compensatory services and remedial measures have been provided to the Student in full, but no later than by the end of the 2018-19 School Year, the District will provide documentation to OCR within 30 days of completion establishing that all compensatory services and remedial measures have been provided.

**ADDITIONAL ACKNOWLEDGEMENTS:**

The District understands that by signing this Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the District understands that during the monitoring of this Agreement, if necessary, 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 Section 504 and its implementing regulation at 34 C.F.R. § 104.33-104.36 and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. § 35.130, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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 sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District's representative below.

/s/

8/2/2018

---

**For the Tucson Unified School District**

---

**Date**