



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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September 7, 2018

Dr. Gabriel Trujillo
Superintendent
Tucson Unified School District
1010 Tenth St.
Tucson, Arizona 85719

Sent via email to: XXXX

Re: Tucson Unified School District
OCR Case Number 08-18-1279

Dear Superintendent Trujillo:

On March 16, 2018, we received a complaint alleging the Tucson Unified School District (District) discriminated based on her daughter's disability (mobility). Specifically, the Complainant alleged that the District failed to respond to a formal internal complaint of disability discrimination.

We are responsible for enforcing Section 504 of the Rehabilitation Act of 1973 and its implementing regulation, 34 Code of Federal Regulations Part 104, which prohibit discrimination on the basis of disability in programs and activities funded by the U.S. Department of Education; and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. The District is a recipient of Federal financial assistance from the Department and a public entity, and therefore, OCR has jurisdiction to investigate this complaint pursuant to Section 504 and Title II.

Under the Case Processing Manual¹ (CPM), OCR's case processing procedures include the Rapid Resolution Process (RRP), which provides an expedited resolution for certain OCR complaints if a recipient expresses an interest in immediately resolving the complaint allegation or has taken action to resolve the complaint allegation.

In accordance with OCR's case processing procedures, OCR determined that it was appropriate to attempt to resolve the complaint allegation of whether the District failed to respond to the Complainant's formal internal discrimination complaint. Accordingly, OCR contacted the District on May 21, 2018, to provide the District with the opportunity to resolve the allegation. In order to resolve the allegation, OCR requested that the District provide the Complainant with an appropriate written response to her formal discrimination complaint. The District sent this correspondence to the Complainant on July 9, 2018. We reviewed the District's response and determined that the District did not adequately respond to all of the concerns that the Complainant raised in her internal discrimination complaint. The District then expressed an

¹ The Case Processing Manual is available on OCR's website at <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>
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interest and willingness in resolving the allegation through a voluntary agreement with OCR to ensure that the complaint allegation is fully resolved. We determined that it was appropriate to resolve the complaint at this juncture because OCR's investigation of the complaint had not been concluded and further evidence, including requesting additional information and interviews, would need to be conducted to make a compliance determination. Pursuant to Section 302 of OCR's Case Processing Manual, resolution options were discussed with the District and the District voluntarily entered into the enclosed Agreement. The provisions of the Agreement are aligned with the disability-based issue and the 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.

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 other respect.

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 Rachel Phillips-Cox, Equal Opportunity Specialist and the primary contact for this case, at 303-844-4559, or by email at Rachel.Phillips-Cox@ed.gov. I can be reached at (303) 844-6083.

Sincerely,

/s/

Angela Martinez-Gonzalez
Supervisory General Attorney

Enc. Resolution Agreement

cc: Robert Ross, District Legal Counsel (Via email only)
Diane Douglas, Arizona Superintendent of Public Instruction