

RESOLUTION AGREEMENT

Tucson Unified School District OCR Case Number 08-18-1381

In order to resolve the allegation in OCR case number 08-18-1381, filed against the Tucson Unified School District (District) involving Davidson Elementary School (School) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR), as well as procedural issues identified during the course of investigation, the District agrees to implement this Resolution Agreement. This case investigation was initiated pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), and its implementing regulation at 34 C.F.R. § 104.7, and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. § 35.107.

1. Section 504/Title II Complaint Procedures: The District will review and revise its Section 504/Title II complaint procedures so that the policies and procedures and notices are compliant with Section 504 and Title II of the ADA. See 34 C.F.R. § 104.7 and 28 C.F.R. § 35.107.

REPORTING REQUIREMENTS:

- By December 17, 2018, the District will submit to OCR for review and approval the District's draft complaint procedures (policies and/or regulations and procedures).
 - Within 60 days of OCR's approval of the policies and/or regulations and procedures, the District will adopt and publish the approved policies and/or regulations and procedures. To the extent that changes to Governing Board policy are necessary, the District will submit them to the Governing Board for adoption within 60 days of OCR approval, with final approval by June, 2019. Supporting documentation should include 1) weblinks to each place where the policies and/or regulations and procedures are posted on the District's website, 2) code of conduct, and 3) other similar documents.
2. The District will update its Section 504 page on the District's website to provide clear identification of the District's Section 504 Coordinator, include information on how to file a disability discrimination complaint, and include the link to its approved policies and procedure.

REPORTING REQUIREMENT:

- Within of 60 days of the adoption of OCR's approval of the policies and procedures, the District will provide OCR with the link to the updated Section 504 Page.
3. The District will identify and train all principals, assistant principals, and deans responsible on implementing the District's disability discrimination complaint procedure. The training will include the OCR approved policies and procedures, how to investigate disability harassment complaints, identifying protected basis (i.e. disability related harassment in bullying complaints) in complaints, writing investigation findings, taking steps to prevent re-occurrence of harassment on the basis of disability, and providing written findings to the relevant parties. After the initial notification and ensuring continuous notification of the policies and procedures, the District will either e-mail or otherwise disseminate the policies and procedures to District and School level administrative staff responsible for implementing the District's disability discrimination complaint procedure at the School.

REPORTING REQUIREMENTS:

- By December 17, 2018, the District will provide OCR with a copy of the training agenda, training materials, list of identified employees, and identify the trainer and her/his qualifications to provide the training, for OCR's review and approval.
 - Within 60 days or May 1, 2019, whichever comes later of OCR's approval of the trainer and training materials, the District will provide OCR with a copy of all handouts provided during or before the training, a list of all staff identified to receive the training, and a sign-in sheet for those attending the training.
4. The District will conduct an investigation of the Complainant's disability discrimination complaint(s) regarding alleged harassment by the Student's classroom teacher and peers. The investigation report must demonstrate that the District gathered information from relevant individuals; conducted relevant interviews with District staff, the Student, and any other witnesses; applied appropriate legal standards; documented any actions already taken by the District, and proposed appropriate remedies to resolve any discrimination found, including any needed meetings for the Student's Individual Educational Program team (IEP team).

REPORTING REQUIREMENTS:

- By December 17, 2018, the District will provide its draft written investigation report to OCR for review.
- Within 30 days of OCR's approval of the draft investigation report, the District will provide documentation that it provided the parties with written investigation findings and has begun implementing any required remedies.
- Additional reports will be requested based on identified remedies.

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 regulations implementing Section 504 of the Rehabilitation Act of 1973 at 34 C.F.R. § 104.7, and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. § 35.107, 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 sixty (60) calendar days to cure the alleged breach.

OCR will close the case monitoring when it has determined that the District has met the terms of the Agreement. The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the District understands that during the monitoring of the Agreement, if necessary, OCR may visit the District, interview District employees 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 regulation implementing Section 504 of the Rehabilitation Act of 1973 at 34 C.F.R. § 104.7 and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. § 35.107, which were at issue in this case.

For Tucson Unified School District:

/s/

10/17/2018

Dr. Gabriel Trujillo
Superintendent

Date