

**Resolution Agreement
Tucson Unified School District
OCR Case Number 08-18-1464**

The U.S. Department of Education, Office for Civil Rights (OCR), initiated investigation of the above-referenced complaint against the Tucson Unified School District (District), pursuant to Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104 (Section 504), which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the U.S. Department of Education, and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35 (Title II), which prohibit discrimination on the basis of disability by public entities.

During the course of OCR's rapid resolution 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.

Item 1

By **December 15, 2018**, the District will provide the Complainant a video copy of the 2018 Graduation ceremony at Palo Verde High School.

Reporting Requirement 1

By **January 15, 2018**, the District will provide written documentation that it has provided the Complainant a video copy of the 2018 graduation ceremony at Palo Verde High School.

Item 2

By **December 15, 2018**, the attorney for the District or his designee will provide training to administrative staff and security staff from Palo Verde High School, including all District employees who participated in the graduation event with the Complainant on or about May 24, 2018. Training will include a discussion of the District's requirements and obligations concerning service animals under District policy, Section 504 of the Rehabilitation Act of 1973 (Section 503) and the Americans with Disabilities Act of 1990 (ADA) as amended.

Reporting Item 2.1

By **December 1, 2018**, the District will provide OCR with a copy of all training materials for Palo Verde High School for our review and approval.

Reporting Requirement 2.2

By **January 15, 2018**, the District will provide OCR with sign-in sheets for the Palo Verde training on service animals. The written documentation will include the name of the individual, title, date of training and signature.

Item 3

By **December 15, 2018**, the District will conduct an audit of District policy and regulations IMG and IMG-R1 to ensure that they are consistent with the requirements of Section 504 and the ADA as they apply to service animals.

Reporting Requirement 3.1

Before the District Board of Education takes action on the policy revisions, and by no later than **March 15, 2019**, the District will provide OCR with a written report of its policy audit and revised District policy item IMG and corresponding regulation IMG-R1 for OCR review and approval.

Reporting Requirement 3.2

Upon OCR approval of District Board of Education policy item IMG and IMG-R1, the District will follow its normal approval process, ratify the new policy and regulation and publish its action pursuant to District policy and procedures. The District will notify OCR of its policy approval and publication by no later than **April 1, 2019**.

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 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 the regulations implementing Section 504 34 C.F.R. §§ 104.7(b), 104.33, 104.34, 104.35 and 104.61, and Title II, at 28 C.F.R. §§ 35.107(b).35.130(a) and (b)(1)(iii) and 35.134, which were at issue in this case.

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 and Title II.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

For the Tucson Unified School District:

/s/

11/27/2018

Gabriel Trujillo Ed. D.
Superintendent
Tucson Unified School District

Date: