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7 Attorneys for Defendant John Huppenthal, Superintendent
of Public Instruction of the State of Arizona

8 **IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

9 In the Matter of the Hearing
of an Appeal by:

No. 11F-002-ADE

10 Tucson Unified School District No. 1
11

**ORDER ACCEPTING
RECOMMENDED DECISION**

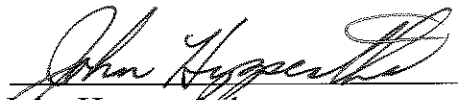
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15 Pursuant to Arizona Revised Statute ("A.R.S.") § 41-1092.08(B), having
16 received and reviewed the Honorable Lewis J. Kowal's recommended decision in this
17 matter (a copy of which is attached hereto as Exhibit A), John Huppenthal,
18 Superintendent of Public Instruction for the State of Arizona, hereby accepts the
19 recommended decision as written without modification.
20

21 IT IS HEREBY ORDERED that, as set forth in the attached recommended
22 decision, the Superintendent's June 15, 2011 notice of violation is affirmed. The
23 Tucson Unified School District (the "District") has been operating its Mexican
24 American Studies program in violation of A.R.S. § 15-112(A)(2), (3), and (4) since
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26

1 June 15, 2011 and failed to bring the program into compliance within 60 days from the
2 date of that notice (on or before August 15, 2011).

3 Accordingly, pursuant to § 15-112(B), the Superintendent hereby instructs the
4 Arizona Department of Education (the "Department") to withhold ten percent of the
5 monthly apportionment of state aid that would otherwise be due to the District
6 effective from August 15, 2011 through the present, and until such time as this
7 violation of A.R.S. § 15-112 is corrected. The Department shall adjust the District's
8 apportionment accordingly.
9

10 Ordered this 6th day of January, 2012.

11
12 By: 
13 John Huppenthal,
14 Superintendent of Public Instruction of
15 the State of Arizona

16 COPY of the foregoing filed
17 this ___th day of January, 2012, with:

18 Office of Administrative Hearings
19 1400 West Washington, Suite 101
20 Phoenix, Arizona 85007

21 With a copy of the foregoing
22 emailed through OAH Electronic
23 Motion Submission System this ___th
24 day of January, 2012 to:

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Attorneys for Tucson Unified School District No. 1
