

February 23, 2016

XXXXXX XXXXXX, General Counsel
Oklahoma City Public Schools
900 North Klein Avenue
Oklahoma City, Oklahoma 73106

Re: Docket # 07151239

Dear Mr. XXXXXX:

On August 27, 2015, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against the Oklahoma City Public Schools (District), Oklahoma City, Oklahoma, alleging discrimination on the basis of disability. This letter is to confirm the District has voluntarily submitted a Resolution Agreement (Agreement) to resolve the complaint.

Specifically, the Complainant alleged the District denied his son (the Student) a free appropriate public education (FAPE) by failing to provide XXXXXX services to him as required by his Individualized Education Plan (IEP) during the 2015-16 school year.

OCR is responsible for enforcing:

- Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation, 34 Code of Federal Regulations (C.F.R.) Part 104. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance; and
- Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by public entities.

As a recipient of Federal financial assistance from the Department and a public entity, the District is subject to Section 504 and Title II. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

OCR identified this complaint as appropriate for the Rapid Resolution Process (RRP), which is an expedited case processing approach utilized in certain substantive areas determined appropriate by OCR. During the course of its investigation, OCR reviewed information the Complainant and the District submitted, including the Student's IEP and correspondence among District staff regarding the implementation of the Student's IEP related to XXXXXX services.

Prior to the conclusion of the investigation,¹ the District expressed an interest in resolving the allegations and issues identified during the course of OCR's investigation. OCR determined it was appropriate to resolve this complaint with an agreement pursuant to the process outlined in Section 302 of the *OCR Case Processing Manual*.² Accordingly, the District submitted a signed Agreement (copy enclosed) on February 23, 2016, that, when fully implemented, will address the complaint allegations. The Agreement requires the District to convene the Student's IEP team and consider whether any amendments are necessary to the Student's IEP regarding XXXXX services³ and whether compensatory educational services are appropriate for the time during the 2015-16 school year when the Student did not receive XXXXX services. In addition, the Agreement requires the District to provide training to those staff members responsible for implementing the Student's IEP provisions related to XXXXX services. Please consult the Agreement for further details.

OCR considers the complaint resolved effective the date of this letter and will monitor the District's implementation of the Agreement. When OCR concludes the District has fully implemented the terms of the Agreement, OCR will close the complaint. If the District fails to carry out the Agreement, OCR may resume its investigation.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The Complainant may have the right to file a private suit in Federal court whether or not OCR finds a violation.

The District may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, please be advised the Complainant may file another complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

¹ At the time of the District's request, OCR had not interviewed District Staff members or conducted an on-site visit to the District.

² The *Case Processing Manual* is available on OCR's website at <http://www.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>.

³ On November 12, 2014, OCR and the U.S. Department of Justice issued joint guidance regarding effective communication for students with hearing, vision, or speech disabilities in public and secondary schools. The "Dear Colleague" letter and accompanying Frequently Asked Questions and Parent Fact Sheet are available on OCR website at

<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-effective-communication-201411.pdf><http://www2.ed.gov/about/offices/list/ocr/letters/colleague-effective-communication-201411.pdf>.

OCR is committed to prompt and effective services. If you have any questions, please contact XXXXX XXXXX, Attorney, at (816) 268-XXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by e-mail at XXXXX.XXXXX@ed.gov.

Sincerely,

/s/ Kelli Douglas

Kelli Douglas
Supervisory Attorney

Enclosure

cc: Joy Hofmeister
Oklahoma State Superintendent of Public Instruction