

RESOLUTION AGREEMENT

Oklahoma City Public Schools
OCR Docket Number 07151239

The Oklahoma City Public Schools (District), Oklahoma City, Oklahoma, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced discrimination complaint against the District and to ensure compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and the implementing regulations of these federal laws.

The District is resolving this complaint pursuant to Section 302 of OCR's *Case Processing Manual*.¹ Therefore, OCR has not made any findings of fact or law, or issued a final determination with respect to this complaint. The District agrees to take the following actions, but nothing contained in this Agreement shall be construed to constitute an admission on the part of the District to any of the allegations in this complaint:

INDIVIDUAL EDUCATION PROGRAM (IEP) MEETING

- 1) By March 25, 2016, the District will convene the Student's IEP team for the following purposes:
 - a) To review and revise the Student's IEP with regard to XXXXX services. Specifically, the team will ensure the Student's IEP correctly reflects the team's decisions regarding the services to be provided to the Student, particularly the amount, location, and provider(s) of XXXXX services to the Student.
 - b) To consider whether the Student requires compensatory educational services for the period of time during the 2015-16 school year when XXXXX services were not provided in the requisite courses. If the IEP team determines compensatory educational and/or remedial services are required for the provision of a FAPE to the Student, the IEP team will identify the necessary compensatory services and, in consultation with the Student's parents, develop a written plan or schedule for providing those services; notify all staff responsible for providing the compensatory education services of their responsibility in writing; provide the compensatory services according to the written plan or schedule; and document the provision of the compensatory educational services to the Student. If the IEP team determines no compensatory educational services are necessary for the provisions of a FAPE to the Student, the IEP team will identify the information considered in its decision and set forth the reasons for its decision in writing. The District will provide the complainant notice of the procedural safeguards including the right to challenge the group's decision through an impartial due process hearing.

REPORTING REQUIREMENT: Within one week of the decision whether compensatory educational and/or remedial services are needed, the District will submit to OCR documents supporting the team's decisions required by items 1.a and 1.b above for

¹ OCR's *Case Processing Manual* may be accessed at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>.

review and approval. The documentation submitted shall include documentation showing the participants in the meeting(s), an explanation for decisions made, the information considered and a description of and schedule for providing any compensatory educational and/or remedial services (if any) to the Student. OCR will review the documentation to ensure that the District met the procedural requirements of the regulations implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations. Once approved by OCR, the District will immediately implement and provide, as appropriate, any compensatory educational and/or remedial services approved by OCR.

When the District has provided all compensatory educational and/or remedial services the District will provide documentation to OCR of the dates, times, and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

TRAINING

- 2) The District will provide training on the subject of the Student’s IEP pertaining to XXXXX services and Section 504 and Title II compliance to all District staff responsible for implementing those portions of the Student’s IEP, including classroom teachers, paraprofessionals, sign language interpreters and all other staff who may be responsible for implementing or tracking the provision of XXXXX services to the Student. The training will be conducted by an individual(s) knowledgeable about the laws and issues pertaining to Section 504 and Title II compliance and the specific topics listed below. The training will include:
 - a) A detailed explanation of the component of the Student’s IEP related to XXXXX services, including an explanation of when and where the services are to be provided and who is responsible for providing the services. The trainer will distribute a copy of the Student’s IEP to trainees for reference during the training.
 - b) The identification of the District’s Section 504 and Title II coordinator, including required contact information, and an explanation of the responsibilities of the coordinator(s).
 - c) A discussion of the general anti-discrimination provisions of Section 504 and Title II, including the prohibition against denying a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, or service of the District.²

REPORTING REQUIREMENT: By April 8, 2016, the District will provide training in accordance with the requirements of this Agreement. Within two weeks of completing the requisite staff training, the District will provide to OCR documentation showing it has completed the training. The documentation must identify the:

² See 28 C.F.R. § 35.130(b)(1)(i), (ii) and (vii) (Title II) and 34 C.F.R. § 104.4(b)(1)(i), (ii) and (vii) (Section 504).

- a) Date, time, and location of the training;
- b) Topics addressed at the training (the District may provide OCR an outline of the training and copy of the materials disseminated at the training);
- c) Name(s), title(s), and credentials of the individual(s) who conducted the training; and
- d) Name, title, and work location of each employee who attended the training (a sign-in sheet with the attendees’ names, signatures, titles, and work locations is sufficient).

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, which were at issue in this case.

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 and Title II, 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 60 (sixty) calendar days to cure the alleged breach.

The person(s) signing for the District represents that he is authorized to bind the District and to this Agreement.

For the District:

/s/ XXXXX XXXXX for
Robert Neu
Superintendent of the District

2/23/16
Date