

RESOLUTION AGREEMENT

Docket Number 07131236

Chickasha Public Schools

The U.S. Department of Education, Office for Civil Rights (OCR), conducted a complaint investigation of the Chickasha Public Schools (District), Chickasha, Oklahoma, pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation at 34 C.F.R. Part 104; 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. The District, as a recipient of Federal financial assistance and a public entity, is subject to the requirements of Section 504 and Title II.

The complainant alleged the District discriminated against her great grandson, a student with a disability, by failing to: 1) provide her with notice of the District's procedural safeguards, including the right to an impartial hearing to address disputes regarding the identification and evaluation of her great grandson for special education and related aids and services; and 2) evaluate and provide regular or special education and related aids and services designed to meet his individual educational needs in a timely manner.

Before OCR completed its investigation, the District agreed to resolve the complaint allegations and compliance concerns identified by OCR during the course of its investigation by taking the following actions:¹

STUDENT EVALUATION

1. Within 45 days of the student's reenrollment in the District, the District agrees to reevaluate the student pursuant to determine his eligibility for services pursuant to Section 504. The team will determine what, if any, additional testing or assessments are needed to evaluate the student and will also review the Section 504 plan developed for the student on March 8, 2012 to determine if additional accommodations or services are needed. The team's evaluation and placement decisions will be consistent with the procedural requirements of Section 504 at 34 C.F.R. §§ 104.33, 104.34, 104.35, and 104.36. The District will ensure that staff who are responsible for implementing the student's Section 504 plan receive appropriate training regarding their individual responsibilities. Additionally, the District will provide the complainant with a copy of the District's Section 504 procedural safeguards pursuant to 34 C.F.R. § 104.36.

REPORTING REQUIREMENT: Within 30 days of conducting the Section 504 meeting pursuant to item 1 of the Agreement, the District will provide OCR a

¹ The District is resolving this complaint pursuant to Section 302 of OCR's *Case Processing Manual*. This Agreement is entered into to ensure the District's compliance with Section 504 and Title II. It does not constitute an admission of liability on the part of the District, nor does it constitute a determination by OCR of any violation of Section 504 or Title II which were at issue in this complaint.

copy of the student’s reevaluation and amended Section 504 plan, if any. The District will also identify the names and titles of the persons who participated in the meeting and will provide OCR with a copy of any records, tests, or assessments reviewed by the team when making its eligibility and/or placement decision.

NOTICE OF NONDISCRIMINATION

2. The District will ensure it has met the identification, notification and publication requirements set forth in the OCR publication, *Notice of Non-Discrimination* (August 2010).² The publication is available at: <http://www2.ed.gov/about/offices/list/ocr/docs/nondisc.html>. The notice of nondiscrimination must include the name or title, address, and telephone number of the District employee(s) designated to coordinate efforts to comply with and carry out responsibilities under Section 504 and Title II.

The individual(s) identified to coordinate compliance with the laws shall be knowledgeable of the law(s) for which s/he is responsible. The District will ensure the designated individual(s) are correctly identified in its notice of nondiscrimination and other major publications (such as employee and/or student handbooks).

REPORTING REQUIREMENT: Within 90 calendar days of this Agreement, the District will provide OCR with its notice of nondiscrimination, which meets the requirements set forth in this Agreement for OCR’s review and approval.

3. Upon receiving approval from OCR of its revised notice of nondiscrimination, the District will publish and prominently display its revised combined notice of nondiscrimination in an easily visible location, in student and employee hard-copy and online publications, including, but not limited to, the following publications:
 - a) student and employee handbooks; b) employee application forms; c) appropriate policies and grievance procedures; and d) any other major general publications, including the District’s website, if applicable.

REPORTING REQUIREMENT: Within 90 calendar days of receiving approval of its revised notice of nondiscrimination from OCR, the District will provide OCR with copies or links to the information (if it is available on the

² The notice of non-discrimination based on disability may be included in a combined notice of non-discrimination and need not be a stand-alone notice. The notice of non-discrimination may also be used to address sex or age. Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 *et seq.* and its implementing regulations, 34 C.F.R. Part 106; and the Age Discrimination Act of 1975 (Age Act), 42 U.S.C. § 6103, and its implementing regulations, 34 C.F.R. Part 110, may impose additional requirements for a recipient’s notice of non-discrimination beyond those items required under this Agreement. OCR is available to provide technical assistance to the District regarding these requirements upon request.

District’s website) of the major publications identified above evidencing its dissemination and publication of the OCR approved notice of nondiscrimination.

GRIEVANCE PROCEDURE

4. The District will review and revise its grievance procedure for complaints alleging disability discrimination or harassment to ensure the procedure meets the requirements set forth below.³ The grievance procedure for complaints alleging disability discrimination shall be accessible to students, employees, and other affected parties.⁴ The grievance procedure will include, at a minimum:
 - (a) a statement that the procedure is applicable to complaints of disability discrimination and harassment;
 - (b) an explanation of how to file a complaint under the procedures, including where and in what manner complaints can be filed;
 - (c) provisions for the adequate, reliable, and impartial investigation of complaints, including the opportunity for all parties involved to present witnesses and other evidence;
 - (d) set time frames for major stages of the complaint process;
 - (e) a requirement that written notification will be given to the parties of the outcome of the complaint investigation;
 - (f) an assurance that the District will keep the complaint, name of the complainant, and investigation confidential to the extent possible;
 - (g) a provision prohibiting retaliation against an individual who files a grievance and/or participate in a grievance; and
 - (h) an assurance that the District will take steps reasonably calculated to prevent the recurrence of discrimination, with examples of the range of possible disciplinary sanctions, and to remedy the discriminatory effects of

³ The grievance procedure for complainants alleging disability discrimination may be included in a combined procedure and need not be a stand-alone procedure. The procedure developed by the District may also be used to address complaints alleging sex or age complaints. Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 *et seq.* and its implementing regulations, 34 C.F.R. Part 106; and the Age Discrimination Act of 1975 (Age Act), 42 U.S.C. § 6103, and its implementing regulations, 34 C.F.R. Part 110, may impose additional requirements for a recipient’s grievance procedures beyond those items required under this Agreement. OCR is available to provide technical assistance to the District regarding these requirements upon request.

⁴ In the event that the District develops a separate grievance procedure for employees, those procedures shall also meet the requirements of Section 504 and Title II, as set forth in this Agreement.

discrimination of which it has notice, with examples of the types of remedies available to victims.

REPORTING REQUIREMENT: Within 90 calendar days of the date of this Agreement, the District will submit to OCR a copy of the draft grievance procedure for review and approval.

5. Within 90 calendar days of receiving OCR's approval of the District's grievance procedure for students required by item 3 of the Agreement, the District will disseminate the approved procedure using its standard methods for disseminating new information and procedures that impact the District's student population (such as including the information on the District's website and in student handbooks).

REPORTING REQUIREMENT: Within 30 calendar days after taking action to appropriately publish and disseminate the grievance procedure developed pursuant to item 3 of the Agreement, the District will provide OCR with links to the information, if available in electronic format, or copies of publications including the approved procedure demonstrating the completion of this item.

TRAINING

6. By October 1, 2014, the District will provide training on the District's OCR approved disability grievance procedure and notice of nondiscrimination to all staff, administrators and other employees it deems appropriate.

REPORTING REQUIREMENT: Within 45 days of completing the training, the District will provide OCR documentation that demonstrates implementation of item 6 of this Agreement. The documentation must identify the following: a) the date, time and location of the training; b) the topics addressed at the training(s) (the District may provide OCR an outline of the training and copy of the materials disseminated at the training); c) the name(s), title(s), and credentials of the individual(s) who conducted the training; and d) the name, title, and work location of each District administrator or employee who attended the training (a sign-in sheet with the attendees' names, titles, and work locations is sufficient).

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further the District understands that during the monitoring of this Agreement, 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 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 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 a minimum of sixty (60) calendar days to cure the alleged breach.

/s/ Jim Glaze
Jim Glaze, Superintendent
Chickasha Public Schools

3-14-14
Date