

**RESOLUTION AGREEMENT
DIBBLE PUBLIC SCHOOLS
OFFICE FOR CIVIL RIGHTS DOCKET NUMBER 07141125**

The Dibble Public Schools (District), Dibble, Oklahoma, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), in order to resolve the allegations against the District in OCR Docket Number 07141125, and to ensure compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation at 34 Code of Federal Regulations (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 at 28 C.F.R. Part 35. Prior to the completion of OCR’s investigation, the District asked to resolve the issues identified by OCR during the course of its investigation pursuant to Section 302 of OCR’s *Case Processing Manual*. Accordingly, to ensure compliance with Section 504 and Title II and/or their implementing regulations, the District voluntarily agrees to take the following actions:

I. GENERAL PROVISIONS

This Agreement resolves the issues identified by OCR during the course of investigating OCR Docket No. 07141125 and does not constitute an admission by the District of any violation of Section 504 or Title II, or any other law.

This Agreement shall become effective upon the District’s receipt of a letter from the Kansas City OCR Office, advising the District that this Agreement resolves the issues identified by OCR during the course of its investigation.

OCR agrees to discontinue its investigation of OCR Docket No. 07141125 based upon the District’s commitment to take the actions specified in this Agreement which, when fully implemented, will resolve issues identified by OCR during the course of its investigation.

In the event the District fails to implement any provision of this Agreement, OCR may resume its investigation of the complaint or take other appropriate measures within its authority to effect compliance with Section 504 or Title II.

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.

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.

II. RESOLUTION PROVISIONS

A. INDIVIDUAL REMEDY

1. If the District has not already done so, within 10 days from the date of this Agreement, the District will send a letter to the Complainant stating that within five days of receiving the Complainant's consent to evaluate, the District will begin an evaluation of the Complainant's son (hereinafter "Student") to determine his eligibility to receive regular or special education and/or related aids and services pursuant the Individuals with Disabilities Education Act (IDEA) or Section 504. In addition, with the consent of the Complainant, the District will conduct a functional behavior assessment (FBA) for use in developing an effective positive behavioral intervention plan (PBIP) for the Student. In addition, the letter will include the name and contact information of an individual in the District the Complainant may contact regarding any concerns he has with the evaluation, and/or any eligibility determination, placement, or implementation of any placement decisions regarding the Student. The District will comply with the applicable regulations implementing Section 504 or IDEA, whichever are applicable.

REPORTING REQUIREMENT: Within 30 days from the date of this Agreement, the District will provide OCR with a copy of the letter to the Complainant notifying him that, upon receipt of his consent, the District will reevaluate the Student.

2. If the Complainant provides consent for an evaluation within 60 days of the date of the letter required by item 1, the District shall notify OCR within ten (10) days of receiving the consent. Within 45 school days following the District's receipt of written consent from the Complainant for the District to evaluate the Student, the District will provide OCR with a copy of the diagnostic staffing report containing the results of its evaluation of the Student, the names and professional credentials of the individuals who participated in the evaluation and in the meeting with the Complainant to consider the results of the evaluation, and a copy of the letter or notice advising the Complainant of the results of the Student's evaluation (including the District's applicable due process procedures, and if the Student is found to be eligible, a copy of his individualized education program (IEP) and/or Section 504 Plan). If the IEP or Section 504 plan is not finalized within 60 days of receipt of consent to evaluate, the District shall inform OCR of the anticipated date to complete the IEP or Section 504 plan. Within 10 days of completion of the IEP or Section 504 plan, the District will provide OCR with a copy.

3. Within 30 days from the date of this Agreement, the District will convene a team of persons knowledgeable about the Student to determine whether the Student's actions on April 1, 2014, were caused by or had a direct and substantial relationship to (i.e., a manifestation of) the Student's disability and to determine whether the Student is entitled to educational services for any educational loss the Student suffered for the period of time during which the Student was not provided a program of regular or special education and related aids and services designed to meet the Student's individual educational needs, specifically from April 1, 2014, through the end of the 2013-14 school year. If the team determines compensatory education services are required for the provision of a FAPE to the Student, the team will, within one week of its determination, identify the necessary compensatory education services and 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 education services according to the written plan or schedule; and document the provision of the compensatory education services to the Student. If the team determines no compensatory education 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 determination through an impartial due process hearing.

REPORTING REQUIREMENT: Within 2 weeks of the decision whether compensatory and/or remedial services are needed, the District will submit to OCR documents supporting the group's decision. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student. If it is determined that educational services are necessary, the educational program developed shall be delivered in a manner so as not to hinder the delivery of any services that are required by the Student's educational program. In addition, the District will provide written notification of the team's decision regarding the provision of educational services to the Complainant. If the team decides that educational services are necessary, this written notice will be provided prior to the implementation of the educational program. OCR will, prior to approving the District's decision and plan for providing the proposed services, review the documentation ensure that the District met the procedural requirements of the regulation

implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.

If necessary, by January 1, 2015, 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).

B. NOTICE OF NONDISCRIMINATION

1. Within 30 days of the date of this Agreement, the District will draft a proposed notice of nondiscrimination in accordance with the implementing regulations of Section 504, Title II, the Age Discrimination Act of 1975 (Age Act), and Title IX of the Education Amendments Act of 1972 (Title IX). The notice of nondiscrimination must include the name or title, address, and telephone number of the District employee(s) designated to coordinate the District's efforts to comply with Section 504, Title II, the Age Act, and Title IX. In addition, OCR recommends the District identify designated coordinators for Title VI of the Civil Rights Act of 1964 and the Boy Scouts of America Equal Access Act. The District shall provide OCR with a copy of a draft of the notice of nondiscrimination for review and approval prior to its adoption, dissemination and publication.¹ The District will also include OCR's address: U.S. Department of Education, Office for Civil Rights, One Petticoat Lane, 1010 Walnut Street, Suite 320, Kansas City, Missouri 64106; Telephone: (816) 268-0550; Fax: (816) 268-0599; TTY: (877) 521-2172; Email: OCR.KansasCity@ed.gov.

REPORTING REQUIREMENT: Within 45 days of the date of this Agreement, the District will provide OCR with a copy of the proposed notice of nondiscrimination, which meets the requirements set forth in this Agreement, for OCR's review and approval.

2. Upon receiving approval from OCR of its revised notice of nondiscrimination, the District will adopt, publish and prominently display its notice of nondiscrimination on the District's website and in student, parent and employee hard-copy and/or online handbooks.

REPORTING REQUIREMENT: Within 60 days of receiving approval of its notice of nondiscrimination from OCR, the District will provide OCR with documentation demonstrating the notice has been adopted by the District and

¹ Sample language for the notice of nondiscrimination may be found at:

<http://www2.ed.gov/about/offices/list/ocr/docs/nondisc.html>.

The District may also refer to OCR's April 4, 2011 Dear Colleague Letter (page 6, pertaining to notices of nondiscrimination) at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-200104.html>.

provide OCR copies (or links to the information if it is available on the District's website) of the District's student, parent and employee handbooks evidencing its dissemination and publication of the approved notice of nondiscrimination.

C. COMPLAINT AND/OR GRIEVANCE PROCEDURE

1. Within 30 days of the date of this Agreement, the District will draft a proposed complaint and/or grievance procedure to provide for prompt and equitable resolution of complaints alleging discrimination, harassment, and retaliation on the bases of race, color, national origin, disability, sex, and age. The grievance procedure should incorporate appropriate due process standards and include at a minimum the following:
 - a) a statement that the grievance procedure is applicable to complaints alleging discrimination, harassment, and retaliation on the bases of race, color, national origin, disability, sex, and age by students, employees, and third parties;
 - b) notice to students, employees and others of the process for filing a grievance, including who to contact (title, address, and telephone number of the contact individual should be included) and how to initiate a grievance;
 - c) a requirement that all complaints will be promptly, thoroughly, and impartially investigated and decided within reasonable designated time frames at each stage of the grievance process;
 - d) provisions for maintaining the confidentiality of the person who files a complaint;
 - e) written notice to the grievant of the disposition of the grievance at each stage of the process;
 - f) a fair and equitable appeal process;
 - g) notice that retaliation against a person who files a complaint of discrimination, or persons who participate in related proceedings is prohibited;
 - h) assurance that if discrimination has occurred, appropriate corrective and remedial actions will be taken; and
 - i) a provision that notifies individuals they may file complaints with OCR.

The provision should include the following contact information: U.S.

Department of Education, Office for Civil Rights, One Petticoat Lane,
1010 Walnut, Suite 320, Kansas City, Missouri 64106-2106; Telephone:
(816) 268-0550; Facsimile: (816) 268-0599; or [Email:
OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov).

REPORTING REQUIREMENT: Within 45 days of the date of this Agreement, the District will submit to OCR documentation showing completion of item C.1 for review and approval.

2. After receiving approval of its complaint and/or grievance procedure to provide for prompt and equitable resolution of complaints alleging discrimination, harassment, and retaliation on the bases of race, color, national origin, disability, sex, and age from OCR, the District will disseminate its revised complaint and/or grievance procedure to all students, employees, and others by prominently including the approved complaint and/or grievance procedure in the District's student handbook(s) and employee handbook(s). The District may meet this requirement either by including appropriate inserts in existing hardcopy materials and publications, by revising and reprinting the materials and publications, or by updating the electronic versions or the student and employee handbooks and notifying parents, students and staff of the revisions.

REPORTING REQUIREMENT: Within 30 days after OCR notifies the District in writing that it has approved the revised complaint and grievance procedure, the District will submit to OCR documentation showing completion of the activities described in item 2.

/s/ Chad Clanton
Chad Clanton, Superintendent
Dibble Public Schools
Dibble, Oklahoma

10/1/2014
Date