

RESOLUTION AGREEMENT

Independent School District No. 1 of Woods County, Oklahoma
OCR Docket Number 07151154

The Independent School District No. 1 of Woods County, Oklahoma (District), Alva, 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 during OCR's investigation 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:

REVISION AND PUBLICATION OF NOTICE OF NONDISCRIMINATION

- 1) The District shall revise the District's combined notice of nondiscrimination in accordance with Section 504, Title II, Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 (Title IX); the Age Discrimination Act of 1975, 42 U.S.C. § 6101; Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d; and the Boy Scouts of America Equal Access Act (Boy Scouts Act), and the implementing regulations of these federal laws. The District may consult with OCR for technical assistance in revising the notice of nondiscrimination, and may refer to OCR's policy guidance entitled *Notice of Non-Discrimination*, including the sample combined notice of nondiscrimination,² and OCR's *Dear Colleague Letter* (April 4, 2011, page 6, pertaining to notices of nondiscrimination).³ The revised notice of nondiscrimination must include the name or title, address, telephone number (including any TTY or TDD number), and email address of the District employee(s) designated to coordinate efforts to comply with and carry out responsibilities under Title IX, Section 504, Title II,⁴ and the Age Act. The District will ensure that the District's notice of nondiscrimination references the Boy Scouts Act, includes the compliance coordinator's address, email, and TTY/TDD number (if applicable), and is consistent in all publications (including applicable Board Policies or Procedures such as EHBA, DAA, and DAA-P).

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

² OCR's guidance entitled *Notice of Non-Discrimination* may be accessed at <http://www2.ed.gov/about/offices/list/ocr/docs/nondisc.html>.

³ OCR's April 14, 2011 *Dear Colleague Letter* may be accessed at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html>.

⁴ The designated coordinator requirement is applicable for public entities that employ 50 or more individuals under Title II.

REPORTING REQUIREMENT: By **November 1, 2018**, the District will provide to OCR a draft, revised combined notice of nondiscrimination in accordance with this Agreement for OCR’s review and approval.⁵

- 2) The District shall prominently display the notice of nondiscrimination on the homepage and each section of the District’s website, including individual school websites. The online notice of nondiscrimination shall contain a link to the District’s anti-discrimination, anti-harassment, and anti-retaliation policies and grievance procedures, including a discrimination complaint form.

REPORTING REQUIREMENT: **Within 30 calendar days** following the District’s receipt of OCR’s approval of the revised notice of nondiscrimination, the District will provide to OCR a link to the revised combined online notice of nondiscrimination with the embedded links.

- 3) The District shall publish and prominently display the revised, OCR-approved combined notice of nondiscrimination in an easily visible location, in electronic (including online) and printed publications for general distribution, including, but not limited to, the following publications: a) bulletins; b) announcements (excluding unforeseeable announcements such as inclement weather notices); c) catalogs; d) student and employee application forms; e) recruitment materials, f) board policies and grievance procedures for discrimination complaints; g) student, parent and employee or staff handbooks, and h) student codes of conduct. For publications such as student, parent, and employee handbooks, the notice should be placed at the beginning of each handbook in a section entitled *Notice of Nondiscrimination* or a similar title, with a reference in the index or table of contents. The revised notice also shall be prominently posted in an easily visible location in the District administration building(s) and each District school.

REPORTING REQUIREMENT: **Within 30 calendar days** following the District’s receipt of OCR’s approval of the revised notice of nondiscrimination, the District will provide to OCR a current list of the posted, electronic (including online), and hard-copy publications containing the revised, OCR-approved combined notice of nondiscrimination, with links to the electronic publications and copies of the hard-copy publications.

SECTION 504 AND TITLE II POLICIES AND PROCEDURES

- 4) The District shall revise the District’s Section 504 and Title II policies, procedures, forms, and notices to comply with Section 504 and Title II, including the Americans with

⁵ Please submit all documents required by the Agreement to OCR at the following email address: Monitoring.OCRKansasCity@ed.gov

Disabilities Act Amendments Act of 2008 (ADA Amendments Act),⁶ and the applicable federal regulations, including Section 504 regulations at 34 C.F.R. §§ 104.31 through 104.35, regarding the identification, evaluation, and educational placement of students who, because of a disability, need or are believed to need special education or related services. The District’s Section 504 and Title II policies, procedures, and any handbooks shall include, but are not limited to:

- a) The expanded language and definitions of physical and mental impairments, in accordance with the ADA Amendments Act, including the following language:
 - i) A person with a disability means any person who (1) has a physical or mental impairment which substantially limits one or more major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment. The definition of disability shall be construed in favor of broad coverage of individuals.
 - ii) The term “physical or mental impairment” means (1) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genitor-urinary; hemic and lymphatic; skin; and endocrine; or (2) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. Physical or mental impairments include, but are not limited to, such contagious and non-contagious diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.
 - iii) The term “major life activities” includes, but is not limited to, functions such as (1) caring for one’s self, (2) performing manual tasks, (3) walking, (4) seeing, (5) hearing, (6) speaking, (7) breathing, (8) learning, (9) working, (10) eating, (11) sleeping, (12) standing, (13) lifting, (14) bending, (15) reading, (16) concentrating, (17) thinking, and (18) communicating.

A major life activity also includes the operation of a major bodily function, including, but not limited to, (1) functions of the immune system, (2) normal cell growth, (3) digestive, (4) bowel, (5) bladder, (6) neurological, (7) brain, (8) respiratory, (9) circulatory, (10) endocrine, and (11) reproductive functions.

⁶ The definition of a qualified individual with a disability was amended by the ADA Amendments Act (P.L. 110-325), which became effective on January 1, 2009. The Act also amended Section 7 of the Rehabilitation Act of 1973 (29 U.S.C. § 705).

- iv) The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, such as:
 - (1) medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;
 - (2) use of assistive technology;
 - (3) reasonable accommodations or auxiliary aids or services; or
 - (4) learned behavioral or adaptive neurological modifications.

The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

- v) An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.
 - vi) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.
- b) The following language in accordance with the Section 504 regulations at 34 C.F.R. §§ 104.32, 104.33, and 104.34 (identification, free appropriate public education (FAPE), and educational setting):
- i) The District shall annually undertake to identify and locate every qualified child with a disability residing in the District's jurisdiction who is not receiving a public education and take appropriate steps to notify children with disabilities and their parents or guardians of the District's duties under Section 504 and Title II. The District shall include a provision addressing Section 504 and Title II in the District's child find publications, including newspaper notices, letters, flyers, and brochures.
 - ii) Examples of situations in which school personnel may reasonably conclude that a student needs or is believed to need special education or related aids and services, including 1) when a teacher, based on observation of or work with the student, expresses the view that an evaluation is needed, or 2) when the parent of a student has requested an evaluation.⁷

⁷ See OCR's guidance entitled *Questions and Answers on the ADA Amendments Act of 2008 for Students with Disabilities Attending Public Elementary and Secondary Schools* (Q&A on the Amended ADA), answer to question # 9.

- c) The following language in accordance with the Section 504 regulation at 34 C.F.R. § 104.35 (evaluation, placement, and reevaluation):
 - i) The District shall conduct an evaluation of any student who, because of a disability, needs or is believed to need special education or related services before taking any action with respect to the initial placement of the student in regular or special education and any subsequent significant change in placement.
 - ii) The District shall ensure the following actions are taken when interpreting evaluation data and making placement decisions:
 - (1) Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. Grades alone are an insufficient basis upon which to determine whether a student has a disability and grades may not be the determinative factor in deciding whether a student with a disability needs special education or related aids or services. Grades are just one consideration and do not provide information on how much effort or how many outside resources are required for the student to achieve those grades.
 - (2) Establish procedures to ensure that information obtained from all such sources is documented and carefully considered.
 - (3) Ensure that the placement decision is made by a group of persons, including persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. A parent(s) or guardian is a required participant if he or she is a person knowledgeable about the student.
 - (4) Ensure that the placement decision is made in a timely manner, and in the least restrictive environment in accordance with 34 C.F.R. § 104.34.
 - iii) The District shall ensure that students with disabilities who have been provided special education or related services are periodically reevaluated utilizing the evaluation and placement procedures set forth in 34 C.F.R. § 104.35(b) and (d). The District shall reevaluate a student with a disability in the following circumstances, including, but not limited to, a reevaluation (1) in any area where a disability is suspected, (2) if the student's behaviors or needs have changed warranting a reevaluation, and (3) before any significant change in placement (including, for example, the termination or significant reduction of educational or related services). Reevaluations will be completed within a reasonable period of time.
- d) The procedures for imposing discipline on students with disabilities, including the following language:

- i) The disciplinary removal or exclusion of a student with a disability from school, such as a suspension, is a significant change in placement if the removal or exclusion is (1) for more than ten consecutive school days, or (2) a series of removals or exclusions that are each ten days or less during the same school year that constitute a pattern of exclusion. In-school suspensions for more than ten consecutive school days or that constitute a pattern of exclusion may be a significant change of placement if the student does not receive educational services required under Section 504 and Title II.
- ii) The determination of whether a series of removals create a pattern of exclusion that constitutes a significant change in placement must be made on a case-by-case basis, including, but not limited to, the following factors:
 - (1) The series of removals total more than ten school days in the same school year;
 - (2) The student’s behavior is substantially similar to the student’s behavior in previous incidents that resulted in the series of removals; and
 - (3) Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another
- iii) Prior to any disciplinary removal or exclusion of a student for more than ten consecutive school days, or for a series of removals that create a pattern of exclusion during the same school year, the multi-disciplinary team will meet to determine whether the student’s conduct is a manifestation of the student’s disability(ies). The multi-disciplinary team will review all relevant and recent information in the student’s file, including, but not limited to, the student’s 504 Plan, any teacher observations, psychological evaluation data related to the student’s current behavior, and any relevant information provided by the parents or guardian, during the manifestation determination meeting to determine if the student’s conduct in question is a manifestation of the student’s disability(ies).
- iv) Conduct found to be a manifestation of the student’s disability: If the multi-disciplinary team determines that the student’s conduct was a manifestation of the student’s disability(ies), or the student’s conduct was due to an inappropriate placement or failure to implement the student’s Section 504/Title II Plan (or IEP), then the multi-disciplinary team must determine what, if any, modifications to the student’s educational placement are necessary, including conducting a functional behavioral assessment and developing or revising a positive behavior intervention plan (if appropriate), and the student may not be disciplined.
- v) Conduct found not to be a manifestation of the student’s disability: If the multi-disciplinary team determines that the student’s conduct is not a manifestation of the student’s disability, the student may be disciplined in the same manner and for the same duration as students without disabilities. If the parent(s) or guardian disagrees

with the manifestation determination, the parent(s) or guardian may file an impartial hearing complaint.

- e) The procedures for conducting a thorough and appropriate functional behavioral assessment (FBA), when appropriate, and developing an effective positive behavior intervention plan (PBIP) based on information in the FBA, by qualified professionals and team members, including parents, who are knowledgeable about the student and his or her behaviors. These procedures shall include a protocol to coordinate the implementation of the PBIP, and to set behavior progress review meetings at appropriate and periodic intervals, depending on the needs and behaviors of the student. The procedures will include a proactive approach to student behavioral issues and will ensure the PBIP is revised by the team in a timely manner, if necessary, based on information obtained during the progress review meetings.

REPORTING REQUIREMENT: By **January 12, 2018**, the District will provide to OCR copies of its draft revised Section 504 and Title II policies, procedures (including any handbook) for OCR’s review and approval.

DIRECT THREAT ANALYSIS

- 5) The District shall draft and implement policies and procedures consistent with the Title II direct threat regulatory provisions, and incorporated in the District’s Section 504/Title II policy and procedures, regarding individuals with disabilities who may pose a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services.⁸ At a minimum, the District’s policies and procedures will include the following direct threat language and standard:
 - a) The direct threat policy and procedure is applicable in situations where the District proposes to take adverse action against an individual whose conduct is considered to pose a significant risk to the health or safety of others.
 - b) Written notice of the District’s direct threat inquiry, subject to paragraph 5(f) of this Agreement, to the individual who is the subject of the direct threat inquiry, including an invitation to provide documents or other information relating to the direct threat inquiry. The written notice will include a copy of the District’s direct threat policy and procedure and the name and contact information of the office or staff member the individual can contact regarding the inquiry. The written notice will also include a statement that if the individual fails to provide a response, the direct threat inquiry will proceed with the documents or other information the District has available.

⁸ See 28 C.F.R. § 35.104.

- c) Identification of the appropriate offices, individuals, or committee(s) responsible for making the determination whether an individual with a disability poses a direct threat to the health or safety of others.
- d) A requirement that an individual will not be subjected to adverse action on the basis of unfounded fear, prejudice and stereotypes.
- e) A requirement that when determining whether an individual poses a direct threat to the health or safety of others, the District must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain:
 - i) the nature, duration, and severity of the risk
 - ii) the probability that the potential injury will actually occur, and
 - iii) whether any reasonable modifications of the District’s policies, practices, or procedures, or the provision of auxiliary aids or services, will mitigate the risk.
- f) A statement that in exceptional circumstances, such as situations where safety is of immediate concern, the District may take interim steps pending a final decision regarding adverse action against an individual on the basis of direct threat as long as minimal due process is provided in the interim and due process is offered later.
- g) A written notice to individuals of applicable appeal procedures in cases resulting in an interim suspension or other adverse action.

REPORTING REQUIREMENT: By **January 12, 2018**, the District will provide to OCR copies of its draft direct threat policies and procedures for OCR’s review and approval.

ANTI-DISCRIMINATION POLICIES AND PROCEDURES

- 6) The District shall revise its anti-discrimination, anti-harassment, and anti-retaliation policies and grievance procedures to provide for the prompt and equitable investigation and resolution of discrimination complaints,⁹ including the addition or revision of language to address the following:
 - a) A prompt, adequate, reliable, and impartial investigation of discrimination complaints, including the opportunity for both parties to present witnesses and provide evidence.
 - b) Assurance that if discrimination, including harassment or retaliation, has occurred, prompt and appropriate corrective and remedial actions will be taken.

⁹ OCR recommends a combined policy and grievance procedure for complaints of discrimination, harassment, and retaliation based on race, color, national origin, sex, disability, and age.

- c) The addition of an anti-retaliation provision in the District’s anti-discrimination policies and grievance procedures.
- d) The addition of the designated compliance coordinator, along with the required coordinator contact information.
- e) Allowing verbal complaints of discrimination, including harassment and retaliation, in addition to written complaint of discrimination.
- f) The addition of “age” as a protected category in items 1 and 2 of the definition section, the deletion of the “pre-filing” procedures, a specific timeframe for scheduling the hearing in step 4 on page 2, and replacing “180 days” with “60 days” on page 3 of the Board Procedure DAA-P.
- g) The incorporation of the applicable grievance procedure requirements set forth in OCR’s *Dear Colleague Letter* (April 4, 2011) and subsequent OCR guidance, including, but not limited to, the following:
 - a) Language stating District employees, supervisors, and administrators must immediately report any complaints, reports, observations, or other information of alleged discrimination, including harassment and retaliation, to the designated coordinator, even if that District employee is investigating the alleged discrimination as part of the District’s student or employee disciplinary process, and provide the complainant with information for filing a complaint of discrimination, including a complaint form if requested, and contact information for the District’s designated coordinator. If the District uses its disciplinary procedures to investigate and resolve an alleged discrimination complaint, those disciplinary procedures will comply with the District’s standards for a prompt and equitable grievance procedure.
 - b) Language stating the District will not delay its investigation of discrimination complaints, even if an outside entity or law enforcement agency is investigating a complaint involving the same facts and allegations, and the District will not wait for the conclusion or outcome of a criminal investigation or proceeding to begin an investigation required by the District’s grievance procedure.
 - c) Language requiring a review of the evidence using a preponderance of the evidence standard (for instance, based on the evidence, is it more likely than not that discrimination, harassment, or retaliation occurred?).
 - d) A written investigative report which shall include: 1) a summary of the facts, 2) an analysis of the appropriate legal standards applied to the specific facts, 3) findings regarding whether discrimination occurred, and 4) if a finding is made that discrimination occurred, the recommended remedy(ies) necessary to eliminate discrimination, prevent its recurrence, and remedy its effects.

- e) The interim and permanent steps the District will take to stop the discrimination, including harassment and retaliation, remedy the discrimination, harassment, or retaliation, and prevent recurrence, including examples of the range of possible disciplinary sanctions and remedies available to address the discriminatory effects on the complainant and others.
 - f) The resources, including medical and counseling resources, that are available to students and witnesses.
 - g) An expanded list of designated compliance coordinator duties.
 - h) A requirement that the designated District employee(s) document all reports of incidents of discrimination, including harassment and retaliation, and that the District establish a protocol for recordkeeping.
 - i) An assurance that the District will keep the complaint and investigation confidential to the extent possible.
- 7) The District will ensure the revised anti-discrimination, anti-harassment, and anti-retaliation policies contain consistent grievance procedures and those policies and procedures are consistent in all publications.

REPORTING REQUIREMENT: By **January 12, 2018**, the District will provide to OCR copies of its draft anti-discrimination, anti-harassment, and anti-retaliation policies and procedures for OCR’s review and approval.

COMMUNICATION OF REVISED POLICIES AND PROCEDURES

- 8) The District shall communicate its revised policies, procedures, and forms required by this Agreement to all District employees and officials by:
- a) Disseminating those revised policies and procedures via the District’s electronic communications (email) system.
 - b) Including those revised policies and procedures on the District’s website and in the online and hard-copy student, parent, and employee handbooks in a section entitled *Nondiscrimination* or a similar title.

REPORTING REQUIREMENT: **Within 30 calendar days** following the District’s receipt of OCR’s approval of all of the District’s revised policies and procedures described in this Agreement, the District will provide to OCR a copy of 1) the District’s revised policies and procedures in final form, 2) the email message and attachments distributing the revised policies and procedures via the District’s email system, and 3)

links to the revised policies and procedures on the District’s website and in the online student, parent, and employee handbooks.

TRAINING

18) By **May 1, 2018**, the District will provide training on the subject of Section 504 and Title II compliance and the anti-discrimination, anti-harassment, and anti-retaliation requirements of those laws, to District officials and staff, including but not limited to, administrators, teachers, substitute teachers, staff, paraprofessionals, counselors, and the designated Section 504/Title II compliance coordinator and investigator(s). The training will be conducted by an individual(s) knowledgeable about the laws and issues pertaining to disability discrimination, and in particular Section 504 and Title II. The training will include:

- a) A discussion and distribution to trainees of the District’s revised Section 504 and Title II policies and procedures, including:
 - i) The general anti-discrimination provisions of Section 504 and Title II.¹⁰
 - ii) Properly implementing Section 504/Title II (or IEP) Plans.
 - iii) The placement procedures, including a discussion that placement decisions must be made by the multi-disciplinary team and not unilaterally by a school staff member.
 - iv) Identification of the District’s Section 504 and Title II compliance coordinator, including the coordinator’s required contact information.
 - v) An explanation of the responsibilities of the coordinator.
- b) A detailed discussion of the District’s reevaluation obligations and the procedures for promptly referring and reevaluating students who employees suspect of having a disability and who need or may need regular education, special education, or related services, including the following information:
 - i) The reevaluation duty exists even if a student with a disability is advancing from grade to grade.
 - ii) A parent or guardian is not required to request that the District identify and evaluate or reevaluate a student.

¹⁰ 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).

- iii) A parent's or guardian's failure to make a request for identification, evaluation, or reevaluation does not relieve the District of its reevaluation obligations.
- iv) The specific provisions pertaining to the reevaluation procedures set forth in the District's revised Section 504 and Title II policies and procedures.
- c) A detailed discussion of the District's obligations and procedures for disciplining students with disabilities, including the District's obligation to conduct a timely manifestation determination before any significant change of placement based on a disciplinary removal or exclusion of a student with a disability from school (1) for more than ten consecutive school days, or (2) for a series of removals or exclusions that are each ten days or less during the same school year that constitute a pattern of exclusion.
- d) A discussion and distribution to trainees of the District's direct threat policy and procedures, including a detailed presentation about how to (1) conduct an individualized assessment, (2) obtain current medical and objective information, and (3) analyze each factor in the direct threat standard, including considering reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services that will mitigate the risk.
- e) A discussion and distribution to trainees of the District's revised notice of nondiscrimination and revised anti-discrimination, anti-harassment, and anti-retaliation policies and procedures, including a thorough review of the following topics:
 - i) The District's grievance procedures for complaints of discrimination, including harassment and retaliation.
 - ii) How to file a discrimination complaint, and an explanation that discrimination complaints can be made verbally or in writing.
 - iii) The District's responsibility to promptly investigate all complaints of discrimination, harassment, and retaliation.
 - iv) The individual responsible for investigating complaints of discrimination.
 - v) The specific investigative steps and timeframes.
 - vi) The District's obligation to take prompt, effective remedial action to address discrimination, including harassment and retaliation, and to prevent its recurrence.

- f) A presentation of the legal standards of harassment and bullying, including specific examples of disability-based student-on-student harassment.

REPORTING REQUIREMENT: By **May 15, 2018**, the District will provide to OCR documentation showing it has completed the training set forth above. The documentation must identify the:

- 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.
 - 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).
- 19) 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.
- 20) The District understands that by signing the Agreement, it agrees to provide data and other information in a timely manner and that all actions taken to comply with the requirements of the Agreement are subject to OCR's review and approval. Further, the District understands that, during the monitoring of the 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 the Agreement and is in compliance with the regulations implementing Section 504 and Title II, which were at issue in this case.
- 21) 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/ Steve Parkhurst
Steve Parkhurst
Superintendent of the District

9/28/17
Date