

**RESOLUTION AGREEMENT**  
**Francis Tuttle Technology Center**  
**OCR Docket No. 07162039**

The Francis Tuttle Technology Center (the Center), Oklahoma City, Oklahoma, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve OCR Docket No. 07162039. The Center, as a recipient of Federal financial assistance and a public entity, is subject to the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 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 Center is resolving this complaint during OCR's investigation pursuant to Section 302 of OCR's *Case Processing Manual*.<sup>1</sup> Therefore, OCR has not made any findings of fact or law, or issued a final determination with respect to this complaint. Nothing contained in this Agreement shall be construed to constitute an admission on the part of the Center to this complaint. The Center agrees to take the following actions:

**Coordination With High School Special Education and Section 504 Directors**

1. By 8-1-16 the Center will draft a plan (Coordination Plan) for OCR's review and approval that ensures that the Center timely provides high school students enrolled at the Center, who have individualized education programs (IEPs) and/or Section 504 plans (504 plans), the special education aids and services and Section 504 adaptations, modifications, supports, and supplementary aids and services identified in each student's IEP or 504 plan. The Coordination Plan shall include but is not limited to the following:
  - a. a Center representative shall be included on the IEP or Section 504 team of the resident district when enrollment in a career and technology education program is considered to be part of the student's placement for purposes of providing a free, appropriate public education (FAPE);
  - b. decisions on what type of support services, aids, adaptations, modifications, and supplementary aids and services the student will be provided while enrolled at the Center will be made by the student's resident district high school IEP or Section 504 team and shall be individualized based on the student's need;
  - c. a Center representative shall ensure that each student's instructor receives a copy of the student's IEP or 504 Plan and is notified in writing of the specific special education services, aids, adaptations, modifications, supports, and supplementary services the instructor is required to provide the student pursuant to the student's IEP and/or 504 plan;

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

- d. the Center representative shall ensure students’ IEPs and Section 504 plans are implemented by Center instructors; and
- f. a Center representative shall provide the appropriate resident district high school Special Education Director or Section 504 Coordinator a copy of progress reports generated by Center instructors.

**REPORTING REQUIREMENT:** By 8-1-16, the Center will submit the Coordination Plan to OCR for review and approval.

- 2. Within 30 days after OCR’s approval of the Coordination Plan, the Center will adopt and disseminate its Coordination Plan to all Center instructors and staff, including those individuals responsible for student IEPs and 504 plans, the resident district Special Education Director or Section 504 Coordinator, and any other staff the Center deems appropriate.

**REPORTING REQUIREMENT:** Within 10 days of taking the action required in item 2, the Center will submit documentation to demonstrate implementation of item 2 of the Agreement to OCR for review and approval.

- 3. By 10-1-16, the Center will review the *Student Information Sheet* of each currently enrolled high school student who has an IEP and/or 504 plan with the resident district high school Section 504 Coordinator or Special Education Director. The review will ensure that the “Possible Modifications For Program” developed by the Center are individualized, appropriate, and consistent with the services, aids, adaptations, modifications, supports, and supplementary services identified in the IEP and/or 504 plan developed by the resident district IEP or Section 504 team.

**REPORTING REQUIREMENT:** By 10-1-16, the Center will submit to OCR documentation that demonstrates implementation and completion of item 3 of the Agreement to OCR for review and approval. The Center may submit copies of emails from the resident district high school Special Education Director or Section 504 Coordinator acknowledging that the modifications for the Center program align with the IEP or Section 504 Plan developed by the student’s resident district IEP or Section 504 team.

- 4. The Center shall provide OCR with quarterly reports documenting its compliance with the Coordination Plan for newly enrolled students with an IEP and/or 504 plan during the 2016-17 school year. The quarterly reports shall include student name, grade, parent’s name and contact information, name of high school, date Center representative attended resident district high school IEP or Section 504 team meeting, copy of current IEP or 504 plan, copy of *Student Information Sheet* containing the “Possible Modifications For Program,” date and the method the Center instructor was notified of modifications of the program for each student, and date(s) resident district high school IEP or Section 504 staff were provided a copy of progress reports generated by Center instructors.

**REPORTING REQUIREMENT:** The Center shall provide a report/documentation as described in item 4 of its efforts to implement the Coordination Plan on or before 10-31, 2016, 12-31, 2016, 3-31, 2017, and 5-31, 2017, to OCR for review and approval.

### **Grievance Procedure**

5. By 8-1-16, the Center will review and revise its Grievance Procedure for complaints of discrimination on the bases of disability, sex, age, race, color or national origin, including complaints of harassment. The revised grievance procedure will include the following:
  - a) clarification that a grievant is not required to avail themselves of any other process before filing a formal grievance;
  - b) designated and prompt timeframes for the completion of the major stages of the grievance process;
  - c) a requirement that individuals involved in processing grievances be trained in complaint investigation and are knowledgeable about the Center's obligation to comply with Federal laws prohibiting discrimination in the Center programs;
  - d) a notice to the parties of the disposition of the grievance at each stage of the process;
  - e) a fair and equitable appeal process;
  - f) a provision requiring individuals involved in a grievance to maintain the confidentiality of information obtained during a grievance, including the name of the person who files a grievance and other information received during the processing of a grievance;
  - g) a notice that retaliation against a person who files a complaint of discrimination or persons who participate in related proceedings is prohibited;
  - h) an assurance that if discrimination is established, 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:** By 8-1--16, the Center will submit its revised grievance procedure to OCR for review and approval.

6. Within 60 days after OCR’s approval of the grievance procedure, the Center will adopt and disseminate its revised grievance procedure to all students and employees by:
  - a) publishing the revised grievance procedure in the catalog, student, and employee handbooks;
  - b) posting the grievance procedure in a readily accessible location on the Center’s website; and
  - c) informing all students and employees by email, U.S. mail, or by hand delivery of the revised grievance procedure and where students and employees can find the revised grievance procedure in handbooks, catalogs, and on the Center’s website.

**REPORTING REQUIREMENT:** Within 60 days of OCR’s approval, the Center will submit the catalog, and student, and faculty handbooks that contain its revised grievance procedure as well as the link to the revised grievance procedure on the Center’s website to OCR for review and approval. The Center shall further submit documentation of the notification sent to students and employees detailing the revised grievance procedure.

### **Training**

7. By 12-22-16, the Center will provide all faculty and staff training on the Coordination Plan and the revised grievance procedures.

**REPORTING REQUIREMENT:** By 1-31-17, the Center will submit documentation demonstrating completion of the training for all faculty and staff regarding the Coordination Plan and the revised grievance procedures to OCR for review and approval. Such documentation should include the date(s) of the training session(s), the name and position of the trainer(s), the materials distributed and/or presented at the meeting, and an attendance sheet or other documentation signed by the participants and providing their name and position with the Center.

### **Individual Remedy**

8. By 8-1-16, the Center will send a certified letter by United States mail to the Student (with a cc to the Complainant) at their last known mailing address notifying her that she may choose either to re-enroll in the 2-D Animation program offered by the Center at no cost to her and the Center will ensure that appropriate academic adjustments are determined and provided, or she may choose to enroll in a 2-D Animation program at another Oklahoma Technology Center of her choice and the Center will pay the cost of all tuition, fees and books for the 2-D Animation program.

**REPORTING REQUIREMENT:** By 9-1-16, the Center will provide documentation that demonstrates completion of item 8 of the Agreement to OCR for review and approval. The Center may submit a copy of the letter and a copy of the certification that the Complainant received the letter.

The Center understands that OCR will not close the monitoring of this Agreement until OCR determines that the Center has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. § 104.3, 104.41, and 104.44; and Title II at 28 C.F.R. § 35.103, 35.104, and 35.130 which were at issue in this case.

The Center 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 and that all actions taken to comply with the requirements of the Agreement are subject to OCR’s review and approval. Further, the Center understands that during the monitoring of this Agreement, if necessary, OCR may visit the Center, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Center has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. Part 104 and Title II at 28 C.F.R. Part 35 which were at issue in this case.

The Center 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 Center written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

The person signing for the Center represents that he is authorized to bind the Center to this Agreement.

For the Center:

/s/ Tom Friedemann  
Dr. Tom Friedemann, Superintendent/CEO  
Francis Tuttle Technology Center

6/15/16  
Date