

**Resolution Agreement  
Deer Creek Public Schools  
OCR Case No. 07-17-1040**

The U.S. Department of Education, Office for Civil Rights (OCR) and the Deer Creek School District (the District) enter into this Resolution Agreement (Agreement) to resolve the allegations in the above-referenced complaint. The Agreement does not constitute an admission of liability, non-compliance, or wrong-doing by the District. The District assures OCR that it will take the following actions to comply with the requirements of 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, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities.

The District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's *Case Processing Manual*, resolution prior to the completion of OCR's investigation.<sup>1</sup> Accordingly, the District voluntarily agrees to take the actions set forth below.

**Policies and Procedures**

1. By July 1, 2019, the District will ensure Board Policy IGBE contains or is revised to include the following:
  - a. A definition of "major life activities," in accordance with the Americans with Disabilities Act Amendments Act of 2008.
  - b. A commitment that students who do not qualify for services under the IDEA may still qualify for services under Section 504.
  - c. A commitment that students who do qualify for services under the IDEA may still qualify for services under Section 504 for a different disability.
  - d. Clarification of Section 504 procedural safeguards to:
    - i) Specify how an impartial hearing officer will be selected.
    - ii) Specify who will review the decision of an impartial hearing officer if it is challenged by a parent.
    - iii) Ensure contact information for the Section 504 coordinator is up to date, and add an email address to the contact information.
  - e. Clarification of Section 504 grievance procedures to:
    - i) Specify the types of issues that are appropriate for a grievance.
    - ii) Establish grievance procedures in accordance with 34 C.F.R. § 104.7(b). The District will ensure the procedures affords a grievant an opportunity for an adequate, reliable, and impartial investigation; will establish review procedures; will establish reasonably prompt timeframes for the various stages of the complaint process; will ensure notice of the outcomes of the complaint is provided to the parties; and will assure that any violations will be addressed, and steps will be taken to prevent a recurrence.

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

- f. Correct OCR’s contact information: Office for Civil Rights, Region VII, One Petticoat Lane, 1010 Walnut Street, Suite 320, Kansas City, MO 64106; Telephone: (816) 268-0550; Email: OCR.KansasCity@ed.gov
2. By July 1, 2019, the District agrees to draft revised text for its webpage entitled *Child Find* so that it:
    - a. Details the District’s child find obligation under Section 504;
    - b. Specifies that the District’s child find obligation to identify children with disabilities who require services applies to all children, including those already enrolled in the District.

**REPORTING REQUIREMENT A:** By July 1, 2019, the District will submit the drafts further described in items 1 and 2 to OCR via email for review and approval. Within ten (10) days of receiving OCR’s written approval, the District will publish the revisions online and in any hard-copy versions of said documents. Within fifteen (15) days of receiving OCR’s written approval, the District will submit to OCR via email proof of publication.

3. **Within ten (10) days** of the District receiving OCR’s approval of its revised Board Policy IGBE, the District agrees to make the following changes to its webpage entitled *Section 504 Information and Procedural Safeguards*:
  - a. Activate links to the following pages that it currently references: *Discrimination Grievance Complaint Form*, *Educational Services for Students Under Section 504/Title II page*, and *Download a Copy of Section 504*;
  - b. Add a link to OCR’s *Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools* (December 2016; currently located at <https://www2.ed.gov/about/offices/list/ocr/docs/504-resource-guide-201612.pdf>);
  - c. Add a link to Board Policy IGBE;
  - d. Update OCR’s address; and
  - e. Update the remainder of the webpage to reflect the approved changes to Board Policy IGBE.

**REPORTING REQUIREMENT B:** Within fifteen (15) days of the District receiving OCR’s approval of its revised Board Policy IGBE, the District will email OCR confirming the above changes were made, and that the webpage is ready for OCR’s review and approval.

### **Training**

4. By October 15, 2019, the District will provide training to all teachers, staff and administrators who participate in the Section 504 referral process on the requirements of Section 504, including but not limited to:

- a. The definition of disability and qualified student with a disability, pursuant to Section 504 and the Americans with Disabilities Act Amendments Act of 2008, with an emphasis on the ways in which the Section 504 definitions differ from IDEA;
- b. The District’s child-find obligation, pursuant to 34 C.F.R. § 104.32, and the way it applies to students already enrolled in the District;
- c. The District’s obligation to provide a free and appropriate public education (FAPE) pursuant to 34 C.F.R. § 104.33 to qualified students with disabilities, including what constitutes a FAPE;
- d. The District’s obligations regarding servicing qualified students with disabilities’ in academic, non-academic and comparable settings, pursuant to 34 C.F.R. § 104.34;
- e. The District’s obligations regarding preplacement evaluation, placement, and reevaluation pursuant to 34 C.F.R. § 104.35; and
- f. The District’s updated Board Policy IGBE, including the revised procedural safeguards and grievance procedures and the ways in which a student’s eligibility or non-eligibility under IDEA affects said student’s eligibility under Section 504.

**REPORTING REQUIREMENT C:** At least fourteen (14) days before the District conducts the training further described in item 4, the District shall provide OCR with the name and qualifications of the individual who will be conducting the training or the entity providing any online training, and a copy of the training materials, if they are available. Within thirty (30) days of October 15, 2019, the District shall provide a copy of the final training presentation and materials, along with a completed sign-in sheet to OCR for review and approval.

The District understands that by signing this Agreement, it agrees to provide the foregoing 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 Section 504 and its implementing regulation at 34 C.F.R. §104.21, and Title II implementing regulation at 28 C.F.R. §35.149. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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 sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District’s representative below.

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Ranet Tippens, Superintendent  
Deer Creek Public Schools

Date