

**Resolution Agreement
Tuttle Public Schools
OCR Case Number: 07-17-1147**

The U.S. Department of Education, Office for Civil Rights (OCR), and the Tuttle Public Schools (District), Tuttle, Oklahoma, enter into this Resolution Agreement (Agreement) to resolve the allegation in the above-referenced complaint. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing 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), as amended, 29 U.S.C. Section 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. Sections 12131 *et seq.*, 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, respectively.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

SPECIAL EDUCATION CLASSROOM

1. The District will assess the extent to which special education classrooms at the current Middle School are comparable in terms of size, amenities, and available resources to classrooms in the regular education program at the Middle School considering the following factors:
 - Square footage
 - Intercom or public address system
 - Smart Boards
 - Windows
 - Desks (teacher and students)
 - Technology
 - Equipment that may be stored in the room
 - Student capacity
 - Number of students in classroom
 - Supplies that may be stored in the room
 - Privacy
 - Safety
 - Restroom access
 - Means of egress
 - Lighting
 - Heating
 - Ventilation

REPORTING REQUIREMENT: By January 31, 2018, the District will provide to OCR a copy of the assessment required in item 1 of this Agreement for review and approval. The documentation will include the names of the individual(s) who completed the assessment, demonstration that the District considered each of the above factors when conducting the assessment, supporting documentation, floor plan(s) of the Middle School with size and use of each room identified, and a determination of whether the special education classroom(s) at the Middle School are comparable to classrooms in the regular education program.

2. If the District or OCR determines that the special education classroom(s) at the Middle School are not comparable in terms of size, amenities, and available resources to the classrooms in the regular education program, the District will create a comparable resources plan to address any deficiencies. The District's plan will identify the areas or issues requiring modification and will outline its proposed steps to address the issues.

REPORTING REQUIREMENT: If applicable, within 60 calendar days of written notification from OCR that a comparable resources plan is needed to address any identified deficiencies, the District will provide OCR with a draft of its plan for review and approval. Upon receiving OCR approval of the District's comparable resources plan, the District will commence implementation of the plan.

Compensatory Education

3. By January 31, 2018, the District will convene a multidisciplinary team meeting for each currently enrolled student who was in the special education classroom, excluding the complainant's student,¹ during the 2016-17 school year at the Middle School to determine if compensatory educational services or other remedial services may be required for the period of time between August 2016 to May 2017, when the respective student's sensory aids and/or assistive technology may not have been available in the classroom. After providing proper written notification to the parents of each student, a group of knowledgeable persons, including the parents (if they elect to attend), will meet and determine whether the student needs compensatory educational and/or other remedial services. If so, within one week of its determination, the multidisciplinary team will develop a plan for providing timely compensatory and/or remedial educational services and set a reasonable completion date for the services. The District will provide the parents with notice of the District's procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing. The District will provide the parents with an opportunity to provide input into these determinations and written notice of the determinations made.

¹ The Complainant filed case number 07-17-1166 on April 21, 2017. As part of its investigation in Case Number 07-17-1166, OCR is investigating whether the District discriminated against the Student on the basis of disability when it failed to provide the Student with access in his classroom to the sensory aids and/or assistive technology identified in his Individualized Education Program (IEP) in violation of 34 C.F.R. §§ 104.4 and 104.33.

REPORTING REQUIREMENT: Within 30 days of the multidisciplinary team completing each individual student assessment and reaching a determination, the District shall provide to OCR documentation supporting the group's decision and the basis for each determination for review and approval. The documentation submitted by the District shall identify the participants in each multidisciplinary meeting, an explanation for the decision made by the team regarding compensatory educational services, and a copy of the educational and/or other remedial educational services plan, if any, for the student. Prior to approving the District's decision and plan for providing the proposed services, OCR will review the documentation to ensure that the District, in making these determinations, met the procedural requirements of the regulation implementing Section 504 at 34 C.F.R. §§ 104.33, 104.35 and 104.36.

REPORTING REQUIREMENT: If applicable, within thirty (30) days of completing implementation of any identified educational and/or other remedial service plan for the impacted special education students, the District will provide documentation to OCR of the dates, times and locations that compensatory and/or other remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

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, at 34 C.F.R. Part 104, and Title II, at 28 C.F.R. Part 35, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close 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.

/s/ Bobby Waitman
Bobby Waitman, Superintendent
Tuttle Public Schools

12/11/17
Date