



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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REGION VII  
KANSAS  
MISSOURI  
NEBRASKA  
OKLAHOMA  
SOUTH DAKOTA

March 29, 2018

**SENT VIA EMAIL**

Dr. Tom Deighan, Superintendent  
Lawton Public Schools  
753 Fort Sill Blvd  
Lawton, Oklahoma 73507

Re: Lawton Public Schools  
OCR Case Number: 07-18-1012

Dear Dr. Deighan,

On October 12, 2017, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against Lawton Public Schools, Lawton, Oklahoma. This letter is to confirm the District has voluntarily submitted a Resolution Agreement (Agreement) to resolve this complaint.

OCR investigated whether the District failed to educate students with disabilities assigned to self-contained classrooms in their least restrictive environments to the maximum extent possible for specials, recess, and lunch, in violation of the regulation implementing Section 504 at 34 C.F.R. § 104.34(a) and (b).

OCR is responsible for enforcing:

- Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation, 34 Code of Federal Regulations (C.F.R.) Part 104. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance.
- 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. Title II prohibits discrimination on the basis of disability by public entities.

As a recipient of FFA from the Department, the District is subject to Section 504 and Title II. To protect individuals' privacy, the names of employees, students, and other witnesses also were not used in the letter.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Prior to the completion of OCR's investigation, the District submitted a signed Agreement (copy enclosed) dated March 29, 2018 that, when fully implemented, will resolve the allegation under investigation. To resolve the allegation, the District agreed to update its Section 504 Policies and Procedure Guide to state that a student's placement for non-academic subjects must be made in said student's least restrictive environment and to include procedures to ensure that policy is followed. The District further agreed to circulate a memorandum and provide training to relevant staff members and parents about the updated policy and procedures. The District agreed to review the IEPs and Section 504 plans of students in the MacArthur Middle School currently educated in self-contained classrooms to ensure their placements are in their respective least restrictive environments for non-academic subjects. Please consult the Agreement for further details.

OCR considers this complaint resolved effective the date of this letter and will monitor the District's implementation of the Agreement. When OCR concludes the District has fully implemented the terms of the Agreement, OCR will close the complaint. If the District fails to carry out the Agreement, OCR may resume the investigation.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

OCR is committed to prompt and effective service. If you have any questions, please contact XXXXX X. XXXXX, Attorney, at (816) 268-XXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at XXXXX.XXXXX@ed.gov.

Sincerely,

/s/ Anne Bradley

Anne Bradley  
Acting Supervisory Attorney

Enclosure