

**Resolution Agreement
Lawton Public Schools
Case Number 07-18-1012**

The U.S. Department of Education, Office for Civil Rights (OCR) and the Lawton Public Schools, Lawton, Oklahoma (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*,¹ resolution prior to the completion of OCR's investigation. Accordingly, the District voluntarily agrees to take the actions set forth below.

Section 504 Policies and Procedure Guide, Memorandum and Training

1. The District will update its Section 504 Policies and Procedures Guide (Guide) to specify:
 - a. students may not be excluded on the basis of disability from participating in nonacademic and extracurricular services and activities such as physical education, lunch, recess, physical recreational athletics, recreational activities, or counseling services.
 - b. if a student has disability-related needs in an extracurricular activity or nonacademic service, the District will conduct an individualized assessment of the student to determine if the student can be included in the extracurricular activity or nonacademic service with accommodation, modification, and/or support.
 - c. placement decisions must be based primarily on an individual student's needs and must be made in the student's least restrictive environment. The Guide will include examples of placements, ranging from least restrictive to most restrictive.
 - d. the Section 504 Coordinator or his/her designee will provide all extracurricular activity or nonacademic service providers with all IEPs or Section 504 Plans of students participating in said extracurricular activity or nonacademic service within one (1) week of the development of such plan and any amendment thereto.

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

2. The District will develop a memorandum explaining the changes to policy and procedure specified in paragraph one. The District will provide this memorandum to all relevant District staff and all parents of students currently educated in self-contained classrooms.
3. The District will provide training on the changes to policy and procedure specified in paragraph one to all District staff, including, but not limited to, PE teachers, athletic directors, coaches, and school nurses. The training will include discussion of the District's obligation to implement all actions, strategies, and accommodations in Section 504 Plans, including the process by which coaches, athletic directors, and physical education teachers will access and implement Section 504 Plans. It may also include a discussion of when to refer a student suspected of a disability or in need of special education and related services for an evaluation under Section 504 and its implementing regulations.

REPORTING REQUIREMENTS

- A. Within twenty-one (21) days of signing this Agreement, the District will provide a draft of the revised Guide described in paragraph one and the memorandum described in paragraph two to OCR for review and approval.
- B. Within five (5) days of receiving OCR's approval, the District will:
 - a. publish the updated Guide on its website. The District will also discard any existing hardcopies of the Guide and/or replace them with updated versions.
 - b. issue the memorandum to all District staff and relevant parents and provide OCR with proof of the issuance.
- C. No later than September 10, 2018, the District shall conduct the training described in paragraph three.
- D. Within ten (10) days of conducting the training, the District shall provide a copy of the training presentation and materials, the name and qualifications of the individual who conducted the training, and a copy of the completed sign-in sheet to OCR for review and approval.

Individual Remedy

4. Within six (6) months of the date of this Agreement, September 10, 2018, the District will initiate an evaluation of each student in the School placed in a self-contained classroom. The District will inform the parent or guardian of each student in the School placed in a self-contained classroom that it will be convening an IEP or Section 504 multidisciplinary meeting to review said student's IEP or Section 504 plan to consider whether the student is currently educated in his or her least restrictive environment for all academic, nonacademic and extracurricular subjects and activities. The District will give each parent at least ten (10) calendar days to provide any additional information the

parent would like the District to consider at said meeting. The District will include with the notice of meeting a copy of the memorandum developed in accordance with paragraph two *supra*.

5. In each meeting, the District shall at a minimum, review the student's placement and amend said placement as necessary to ensure the student is placed in his or her least restrictive environment for academic, nonacademic and extracurricular subjects and activities.
6. The District will provide each parent or legal guardian with a copy of the District's notice of the procedural safeguards prior to the meeting, with a written explanation of the Complainant's right to challenge the team's determination via a Section 504/Title II impartial hearing. The notice of procedural safeguards may be provided via regular mail or in-person.

REPORTING REQUIREMENT:

- A. Within thirty (30) days of signing this Agreement, the District will provide OCR with a list of all the students in the School currently educated in self-contained classrooms.
- B. Within six (6) months of signing this Agreement (September 10, 2018), the District will provide OCR with an email specifying the date and time of each IEP or Section 504 multidisciplinary meeting described in paragraphs four through six. If the District emails OCR a copy of each Notice of Meeting, that is sufficient to meet this requirement.
- C. Within ten (10) days of each IEP or Section 504 multidisciplinary meeting described in paragraphs four through six, the District will submit to OCR: 1) the information considered by the District, including information provided by the parent or legal guardian, at the IEP or Section 504 multidisciplinary meeting, 2) a copy of the notices of procedural safeguards provided to each parent or guardian, specifying when it was provided, 3) a sign-in sheet with the date of the IEP or Section 504 multidisciplinary meeting signed by each team member, 4) an explanation for decisions made and the information considered, and 6) a copy of the updated IEP or Section 504 plan. OCR will review and approve the documentation provided by the District to ensure that the District met the provisions of this Agreement and the procedural requirements of the regulations implementing Section 504 in making these determinations.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the recipient has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 which were at issue in this case.

The District 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. 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 the regulation implementing Section 504 at 34 C.F.R. § 104.34. 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.

The Agreement will become effective immediately upon the signature of the District's representative below.

Tom Deighan, Superintendent

Date