

RESOLUTION AGREEMENT
Jenks Public Schools
OCR Case Number 07181134

The U.S. Department of Education, Office for Civil Rights (OCR), and the Jenks Public School District (the District) enter into this agreement to resolve 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), 29 United States Code (U.S.C.) § 794, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and the implementing regulations of these federal laws.

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.

I. RESOLUTION PROVISIONS

A. Publication of Notice of Nondiscrimination in Before and After School Program Notices

The District shall publish and prominently display a notice of nondiscrimination for the Jenks Before and After School Child Care Enrichment Programs (JBAS) in an easily visible location in electronic and printed publications for general distribution, including, but not limited to, the following publications: a) bulletins; b) announcements (excluding unforeseeable announcements such as inclement weather notices); c) catalogs; d) student, faculty, and employee handbooks and/or manuals; e) board policies and grievance procedures for discrimination complaints; and f) student codes of conduct. For publications such as student, employee, and faculty handbooks, the notice should be placed at the beginning of each handbook in a section entitled Notice of Nondiscrimination or a similar title, with a reference in the index or table of contents. The notice also shall be prominently posted in an easily visible location in the School administration building(s).

Reporting Requirement: **Within 30 calendar days** of this agreement, the District shall provide a current list of the posted, electronic (including online), and hard-copy publications containing the JBAS's notice of nondiscrimination, with links to the electronic publications and copies of the hard-copy publications for OCR's review and approval.

B. Training

By October 1, 2018, the District will provide training on the subject of Section 504 and Title II compliance and the anti-discrimination, anti-harassment, and anti-retaliation requirements of those laws, to JBAS officials and staff, including but not limited to, administrators, instructors, staff, paraprofessionals, counselors, and the designated Section 504/Title II compliance coordinator and investigator(s). The training will be conducted by an individual(s) knowledgeable about the laws and issues pertaining to disability discrimination, and in particular

Section 504 and Title II. The training will include a discussion and distribution to trainees of the District’s revised Section 504 and Title II policies and procedures, including:

- a) The general anti-discrimination provisions of Section 504 and Title II.¹
- b) The child find, identification, evaluation, and placement procedures, including a discussion that evaluation and placement decisions must be made by the multi-disciplinary team.
- c) The provision of FAPE, including appropriate accommodations and modifications or supports, for school field trips and other academic programs, either on or off school campus.
- d) The provision of non-academic and extracurricular services and activities in such manner as is necessary to afford students with disabilities an equal opportunity for participation in such services and activities, including a description of non-academic and extracurricular activities set forth in 34 C.F.R. § 104.37(2).
- e) The responsibility of the District, not parents, guardians, family members, or others, to provide and pay for the cost of FAPE, including accommodations, modifications, services, and supports, determined by the multidisciplinary team.
- f) The proper implementation of Section 504/Title II plans and individualized education programs.
- g) Identification of the District’s Section 504 and Title II compliance coordinator, including the coordinator’s required contact information.
- h) An explanation of the responsibilities of the coordinator.

REPORTING REQUIREMENT: By October 15, 2018, the District will provide to OCR documentation showing it has completed the training set forth above. The documentation must identify the:

1. Date, time, and location of the training.
2. Topics addressed at the training (the District may provide OCR an outline of the training and copy of the materials disseminated at the training).
3. Name(s), title(s), and credentials of the individual(s) who conducted the training.
4. Name, title, and work location of each employee who attended the training (a sign-in sheet with the attendees’ names, signatures, titles, and work locations is sufficient).

¹ See, 28 C.F.R. § 35.130(b)(1)(i), (ii) and (vii) (Title II) and 34 C.F.R. § 104.4(b)(1)(i), (ii) and (vii) (Section 504).

C. Individual Relief

The District will notify the XXXXXXXXXXXX in writing that if the XXXXXXXXXXXX re-enrolls the Student in the XXXX, the District will ensure that the appropriate XXXX XXXXXXXX staff is provided with the Student’s Section 504 plan or IEP currently in place for the Student. The written notification will notify the XXXXXXXXXXXX that the District will provide program supports in the form of aids, benefits, or services that meet the individual needs of the Student as adequately as the needs of nondisabled students enrolled in XXXX. The District will inform the XXXXXXXXXXXX that if the XXXXXXXXXXXX completes the re-enrollment process within sixty (60) days of the District’s letter, the Student will be given priority status on any existing waitlist for the XXXX, and will be readmitted at the first opportunity.

Reporting Requirement: Within 10 days of signing this Agreement, the District will provide OCR with evidence documenting that it has notified the XXXXXXXXXXXX in compliance with item C above.

II. GENERAL PROVISIONS

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. §104.4. 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.

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

/s/ _____
Superintendent or Designee
Jenks Public School District

Date