

RESOLUTION AGREEMENT
Norton Public Schools
Complaint No. 01-14-1054

The U.S. Department of Education's Office for Civil Rights (OCR) opened the above-referenced complaint for investigation because the allegations fell within OCR's jurisdiction under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II). The Norton Public Schools (District) has voluntarily agreed to take the following steps to resolve the Complaint. Nothing herein shall be deemed an admission or acknowledgement by the District that it has violated Section 504, Title II, any other laws that OCR enforces, or any other Federal or State law, or that the District has otherwise treated the Complainant or XXXXX unlawfully, or that OCR has made a finding of a violation of Section 504 or Title II.

Resolution Terms

1. The District will revise its current Section 504 policies and procedures and submit them to OCR for review and approval by August 1, 2014. In particular, the procedures will describe the protections and procedural requirements pertaining to the provision of a free appropriate public education (FAPE) to qualified students with disabilities. The revised procedures will also explain the obligations under Section 504 concerning students with severe food allergies.

Reporting Requirement: Within 45 days of OCR's approval, the District will implement the procedures, publish them on its website, and provide OCR evidence of publication.

2. By August 1, 2014, the District's Section 504 Coordinator will write the Complainant to inform her of the identify of a contact person to whom she can report concerns (occurring in 2014-2015) to ensure XXXXX is not exposed to food he is allergic to during school-sponsored activities. The contact person will also respond to any concerns of the Complainant that XXXXX has been exposed to food he is allergic too, will investigate those concerns and, if warranted, take corrective action.

Reporting Requirement: By **September 30, 2014**, OCR will be provided evidence that item 2 was done.

3. At the beginning of the 2014-2015 school year:
 - a. The District will issue a memorandum to all administrators and staff informing them of the new Section 504 procedures. This memorandum will also remind staff as to the prohibitions against disability discrimination and harassment under Section 504 and Title II.
 - b. All volunteers in the District's athletic program will be provided a copy of OCR's Disability Harassment Dear Colleague Letter and will be informed of the prohibition against disability discrimination and harassment under Section 504 and Title II.

Reporting Requirement: By **September 30, 2014**, OCR will be provided evidence that item 3 was done.

4. By September 30, 2014, the District will provide training on the District's revised Section 504 procedures for District principals, the District's Section 504 coordinator and special education director, and persons responsible for leading IEP or Section 504 teams. The training will also address the requirements of Section 504 and Title II as they relate to the education of students with severe food allergies, including:
 - a. The standards for determining student eligibility for services under Section 504 and Title II, including the changes in the definition of "disability" made by the Americans with Disabilities Act Amendments of 2008;
 - b. The procedural requirements of the Section 504 [FAPE] process pertaining to the identification, evaluation and placement of students under Section 504;
 - c. The scope of evaluations, including the need for medical documentation, in providing a FAPE to students with disabilities under Section 504;
 - d. The District's obligation, and the types of information that trigger the need to evaluate students under Section 504, including students with serious, ongoing, or chronic medical issues; and,
 - e. The differences between health plans and Section 504 plans, and the importance of Section 504 procedural requirements and safeguards for students with disabilities who have medical conditions and are in need of educational or related aids and services.

Reporting Requirement: Upon request, OCR will provide the above training. Alternatively, four weeks in advance of the training, the District will submit to OCR for its approval a copy of the training materials and the name and qualifications of the trainer.

5. Before the beginning of the 2014-2015 school year, the District will convene a Section 504 Team meeting with the Complainant to discuss any necessary revisions to the Student's Section 504 plan. All evaluations discussed at this meeting will be documented and carefully considered, and minutes will be taken regarding the decisions made.

Reporting Requirement: By **September 30, 2014**, OCR will be provided evidence that item 5 was done.

6. The District will revise its food allergy action plan to provide information to parents as to how safe conditions will be ensured for students with food allergies participating in the District's nonacademic or extracurricular activities and programs, including lunch, athletics, field trips and transportation, and submit them to OCR for review and approval by November 15, 2014. The plan will explain how parents may request reasonable modifications for children with food allergies so that they may participate in nonacademic and/or extracurricular activities and

programs. The District employee responsible for responding to such requests will be identified and his/her contact information will be provided.

Reporting Requirement: By **November 30, 2014**, OCR will be provided evidence that item 6 was done.

7. During the 2014-2015 school year, and following the development of the District's revised Section 504 procedures, the District will identify each student in the District who has a food allergy, and contact the Student's parent/guardian regarding its obligations under Section 504 with regard to students with food allergies. Based on parental consent to evaluate, the District will convene a Section 504 Team to review the student's medical documentation, health plan (if applicable), and any other documentation concerning the student's condition, and determine whether the is eligible for, and in need of, services under Section 504. The District will develop and implement the plan for any such student deemed eligible and in need of services.

Reporting Requirement: By **July 1, 2015**, OCR will be provided evidence that item 7 was done.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Section 504 at 34 C.F.R. Sections 104.33, 104.35, and 104.36, and the regulation implementing Title II at 28 C.F.R. Section 35.130, 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 Sections 34 C.F.R. 104.33, 104.35, and 104.36, and the regulation implementing Title II at 28 C.F.R. Section 35.130, which were at issue in 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. Sections 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Superintendent

___6/11/14___
Date