

**RESOLUTION AGREEMENT**  
**Oyster River Cooperative School District**  
***OCR Complaint No. 01-18-1180***

The Oyster River Cooperative School District (the District) has voluntarily entered into this agreement to resolve the allegations in the above-referenced complaint pursuant to Section 302 of OCR's Case Processing Manual. The District assures that it will take the following actions and will meet its obligation to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR. This resolution does not constitute an admission that the District is not in compliance with Section 504, Title II, or any other law OCR enforces.

**Action Item 1:**

The District will obtain information from the "Growing Places" program, including "Timbernook" and all other "Growing Places" activities (collectively, the Program), currently operating at the District's Moharimet Elementary School (the School), confirming that the Program has rescinded its prohibition on its staff administering insulin to insulin-dependent diabetic students. The District will further confirm that the Program permits Program staff to implement the Student's necessary disability accommodations pursuant to Section 504, including providing insulin if warranted.

**Reporting Requirement:**

By June 30, 2018, the District will provide OCR with written confirmation that the Program has rescinded its prohibition on Program staff administering insulin to insulin-dependent diabetic students and permits Program staff to implement disability accommodations.

**Action Item 2:**

The District will convene a meeting of a group of persons knowledgeable about the Student, including the Student's parent(s) (the Team), to determine the extent to which, if any, the Student was unable to participate in the Timbernook session during the XXXXXXXXXXXXXXXXXXXX or any other part of the Program during the 2017-2018 school year, due to the Program's prior prohibition on staff providing insulin to the Student. Based on the Team's assessment of that information, the District will direct the program to reduce the Student's program registration fees for the XXXXXXXXXXXXXXXX or 2018-2019 school year, by an amount that corresponds to the period, if any, in which the Student could not participate in the XXXXXXXXXXXXXXXX Timbernook sessions or other Program activities for the 2017-2018 school year due to a lack of staff (or other individual) available to provide insulin to the Student.

**Reporting Requirements:**

By June 30, 2018, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting referred to in Action Item 2, including: (i) a detailed explanation for the decisions reached regarding reimbursement/adjustment of fees; and (ii) confirmation that the Program has reimbursed/adjusted the registration

fees for the Student, if determined necessary. OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36, in making these determinations.

**Action Item 3:**

The District will obtain information from the Program confirming that Program staff including administrators have received, during the spring of 2018, training in diabetes and its management, and common issues for students with diabetes (including the Student), provided by medical personnel with expertise in diabetes management for students. The District will also provide training for the Program's Administrators and at least one member of the Program's Board of Directors, as described below. That Training will be conducted by an individual (Trainer) with expertise in Section 504 and Titles II and III of the Americans with Disabilities Act, and will include participation of the District's Section 504 Coordinator. The training will address:

- The Program's obligations, and the process it must follow, in accommodating participants with disabilities, consistent with the Program's obligations under Title III of the ADA and the District's obligations under Section 504 and Title II.
- The prohibition on retaliation for disability-related advocacy, pursuant to the ADA and Section 504.

**Reporting Requirements:**

By June 30, 2018, the District will provide OCR written confirmation that:

- (a) Program staff has received training in diabetes and diabetes management by qualified medical personnel, as described above.
- (b) The District has conducted training for the Program in accommodating participants with disabilities and retaliation, as described above. The written confirmation shall specify the date(s) of the training and the agenda followed, and the names and titles of the participants. The District will also supplement the written confirmation with copies of any training materials and with a description of the Trainer(s)'s qualifications to conduct the training.

**General Requirements**

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this Agreement, if necessary, OCR may visit the District to 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 regulations implementing Section 504 and Title II, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, respectively, which were at issue in this case. The District understands that OCR will not close the monitoring of the Agreement until such time that OCR determines the District has fulfilled the terms of the

Agreement and is in compliance with the statutes and regulations that 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.

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

By: \_\_\_\_\_/s/\_\_\_\_\_ Date: May 23, 2018  
James Morse, Superintendent, SAU No. 5