

RESOLUTION AGREEMENT

Bryan County School District
OCR Docket Number 04161176

The Bryan County School District (District), Black Creek, Georgia submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced discrimination complaint against the District and to ensure compliance with 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.

The District is resolving this complaint during OCR's investigation pursuant to Section 302 of OCR's *Case Processing Manual*.¹ Therefore, OCR has not made any findings of fact or law, or issued a final determination with respect to this complaint. The District agrees to take the following actions, but nothing contained in this Agreement shall be construed to constitute an admission on the part of the District to any of the allegations in this complaint:

REVISED SECTION 504 PROCEDURES

- 1) The District shall revise the District's *Section 504 Handbook* to include the following provisions regarding diabetes:
 - a) Language indicating each qualified student with diabetes will have a Section 504/Title II plan, if found eligible, and diabetes care services and accommodations will be specified in the Section 504/Title II plan, as well as any diabetes medical management plan.
 - b) Language indicating the District will ensure that appropriate training is provided by qualified medical personnel to District staff who educate, serve, supervise, or transport students with diabetes, including, but not limited to, teachers, aides, paraprofessionals, and bus drivers and staff supervising students on field trips or other off-campus locations, for the provision of diabetic care and emergency medical services, if necessary. In addition, the training shall occur in advance of educating, serving, supervising, or transporting students with disabilities and shall be incorporated into the District's annual preschool training with staff. For substitute teachers or substitute bus drivers who are teaching or transporting students with diabetes, the District shall follow established protocols, which ensure that substitute teachers and substitute bus drivers know and can respond to the medical needs of the student in the classroom and/or bus.
 - c) A protocol for written notification of parents or guardians when medical supplies are becoming low, including how that written notification will occur, and obtaining the medical and other supplies from parents/guardians, to avoid running out of medical supplies during the academic day.

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

REPORTING REQUIREMENT: By **September 1, 2016**, the District will provide to OCR copies of its revised Section 504 Procedures, which should include protocols for substitute teachers, substitute bus drivers, and substitute paraprofessionals for OCR's review and approval.

COMMUNICATION OF THE DISTRICT'S 504 PROCEDURES FOR DIABETES

- 2) The District shall communicate its revisions to its Section 504 Procedures regarding Diabetes described in paragraphs 1 (a-c) to all District administrators, board members, officials, and employees by:
 - a) Disseminating those revised policies and procedures via the District's electronic communications (email) system.
 - b) Including those revised policies and procedures on the District's website and 504 procedures given to students/parents. For the 2016-2017, school year, the District will also include the revised procedures in a separate addendum to the student/parent handbook.

REPORTING REQUIREMENT: Within 15 calendar days of receiving OCR's approval of the District's revised Section 504 Procedures, the District will provide to OCR the following:

- a) A copy of the District's email message and attachments distributing the revised Section 504 Procedures via the District's email system.
- b) Links to the District's revised Section 504 Procedures on the District's website and in revised online student and parent handbooks. A copy of the addendum to the 2016-2017 hard-copy handbook.

TRAINING

- 3) The District will provide training on the subject of Section 504 and Title II compliance to District staff, including administrators, school nurses, teachers, paraprofessionals, bus drivers, counselors, the designated Section 504 compliance coordinator and investigator(s) and other staff who teach, supervise, or provide services to District students with diabetes. The training will be conducted by an individual(s) knowledgeable about the laws and issues pertaining to Section 504 and Title II compliance and the specific topics listed below. When applicable, the District shall also provide training on diabetic and emergency care to substitute teachers, substitute paraprofessionals, substitute bus drivers provide services to District students with diabetes. The training will include:
 - a) The identification of the District's Section 504 and Title II Counselor, including required contact information, and an explanation of the responsibilities of the Counselor.

- b) A discussion of the general anti-discrimination provisions of Section 504 and Title II, including the prohibition against denying a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, or service of the District.²
- c. An explanation of diabetes and a discussion and distribution to trainees of the District's 504 Procedures regarding diabetes, and an explanation that decisions regarding diabetic and emergency care for qualified students with disabilities must be made on an individualized basis, and parents or non-District employees (excluding emergency medical providers) cannot be required to provide necessary diabetic care or supervision to students with diabetes while they are attending school, including school field trips and activities.
- d) An explanation of what constitutes disability discrimination, and a review of proper Section 504 and Title II procedures, including procedures for:
 - i) evaluating and serving students with disabilities, including diabetes.
 - ii) properly implementing Section 504/Title II plans, including the provision of diabetic care and emergency diabetic care.
- e) A discussion of proper training requirements for District staff who educate, serve, supervise, or transport students with diabetes, including but not limited to, nurses, teachers, substitute teachers, aides, paraprofessionals, substitute paraprofessionals, bus drivers and substitute bus drivers, and staff supervising students on field trips or other off-campus locations, for the diabetic care and emergency care of students with diabetes.

REPORTING REQUIREMENT: By **August 22, 2016**, the District will provide training in accordance with the requirements of this Agreement to the requisite employees of the Lanier Primary School. By **October 8, 2016**, the District will provide training in accordance with the requirements of this Agreement to the remaining District faculty and staff, to exclude substitute teachers, substitute paraprofessional, and substitute bus driver, who receive the same training on an as needed basis. By **October 15, 2016**, the District will provide to OCR documentation showing it has completed the training. The documentation must identify the:

- a) Date, time, and location of the training.
- b) Topics addressed at the training (the District may provide OCR an outline of the training and copy of the materials disseminated at the training).
- c) Name(s), title(s), and credentials of the individual(s) who conducted the training.

² 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).

- d) 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).

INDIVIDUAL RELIEF

- 4) **By August 8, 2016**, the District shall schedule a meeting at a mutually agreeable date and time, which shall include the parents and other individuals knowledgeable about the Student (Section 504/Title II team), to advise them of the District's revised 504 Policy as well as the District's training efforts. During this meeting, the District will inform the Student's parents of the date(s) that the District faculty or staff responsible for implementing the Student's 504 Plan received training pursuant to paragraph 3 of this Agreement. The District will also receive an update on the Student's medical needs and ensure that the Student's current 504 Plan sufficiently meets those needs. If the Complainant does not participate or respond to the District's invitation for a meeting after two (2) weeks have passed since the invitation was issued, the District's obligation under this section will be deemed to have been met.

REPORTING REQUIREMENT: Within one week of the conclusion of the meeting required above, the District will submit documentation of its determinations to OCR for review and approval, including but not limited to: a copy of meeting notes or similar documentation from the meeting, including a list of participants (by name and title) and a copy of the meeting notice.

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 regulations implementing Section 504 and Title II, 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 regulations implementing Section 504 and Title II, 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. §§ 100.9, 100.10) or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and 60 (sixty) calendar days to cure the alleged breach.

The person(s) signing for the District represents that he is authorized to bind the District and to this Agreement.

For the District:

/s/

7/15/2016

Dr. Paul T. Brooksher
Superintendent of the District

Date