

Madison County Schools

OCR Ref. 06151136

Resolution Agreement

The U.S. Department of Education, Office for Civil Rights (OCR), initiated an investigation of the above-referenced complaint filed against the Madison County School District (District), pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), as amended, 42 U.S.C. Sections 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35. Without an admission of a violation of Section 504/Title II, and to ensure compliance with Section 504 and Title II as related to the issue of this investigation, the District agrees to take the following actions:¹

Student Remedies:

I. Action Items:

- a. It is of mutual benefit to the District and the Student for the Student to be able to successfully manage her xxxxxxx during the school day. In order to provide the Student with knowledge and skills that will assist with managing the Student's xxxxxxx and informing the Student of the seriousness of not doing so, the District, in consultation with the Student's doctor(s), xxxxxxxxxxxx, and parent(s), will provide the Student and all food service personnel in the District responsible for preparation of the food at Xxxxxx Xxxxxxx Xxxx School (School) with a nutrition class by January 18, 2016.
- b. The School nurse will follow up with the Student subsequent to the nutrition class, by January 18, 2016, to ensure that the Student continues to fully understand the importance of the nutritional value of foods and how xxxxxxxxxxxx of various foods can affect her disability.

¹ After a teleconference with District representatives on Xxxxxxxx x, xxxx, and subsequently reviewing information submitted to OCR by the District, which OCR received on Xxxxxxxx xx, xxxx, OCR has determined that the District conducted training for staff on Xxxxxxxx xxxxx, xxxx, titled "Xxxxxxxx and Xxxxxxx Training." The District also submitted information dated Xxxxxxxx x, xxxx, that indicates the Student has xxxxx xxxxxx with the school nurse, and the nurse "provide[s] continuity of care, support[s] proper xxxxxxx care, provide[s] education, intervene[s] when needed, and provide[s] accommodations necessary to enhance [the Student's] educational experience while attending school." OCR will review this documentation during the course of the monitoring of this complaint to determine if the information submitted is sufficient to resolve the action items in this Agreement.

II. Reporting Requirements:

- a. By January 18, 2016, the District will provide all documentation and other evidence that the Student and food service personnel at the School have participated in a nutrition class covering the importance of the role of nutrition in xxxxxxxx care. With this reporting requirement, the District will submit a copy of any handouts, including PowerPoint presentations or similar materials used during the class; the name, title, and qualifications of the person(s) conducting the class; and a sign-in sheet for those attending the training, including the name and title of each attendee; and the date of the class.
- b. By January 18, 2016, the District will provide a signed letter from the School nurse indicating that action item I(b) has been completed. OCR will follow up with the Student and/or the complainant to verify this information.

Staff Training:

III. Action Item:

- a. By January 18, 2016, the District will provide training to School staff involved in the identification, evaluation and provision of services to students with disabilities, including those with xxxxxxxx, as well as all individuals potentially responsible for implementing the Student's Section 504 plan (e.g. administrators, nutrition and food service staff, coaches, teachers, etc.) on the requirements of Section 504/Title II, regarding the provision of related aids and services to students with xxxxxxxx.

IV. Reporting Requirement:

- a. By January 18, 2016, the District will provide OCR with an agenda of the training provided to staff consistent to the item listed above, including, but not limited to: a copy of any handouts, including PowerPoint presentations or similar materials used during the training; the name, title, and qualifications of the person(s) conducting the training(s); and a sign-in sheet for those attending the training, including their name, title, and assigned school (if applicable) of each attendee; and the date of the training session(s).

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. 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 regulations set forth below.

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 at 34 C.F.R. §§ 104.4 (a) and (b)(1)(iv)-(iv), 104.35; 104.37, and 104.38; and the Title II implementing regulations at 28 C.F.R. §§ 35.130(a) and (b) (1)(b)(i)-(iv),(7) and (8), which were at issue or arose as an issue during the investigation of this complaint.

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. §104.61, incorporating 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 Resolution Agreement will become effective immediately upon the signature of the Superintendent below, or his/her designee with authority to bind the District.

Superintendent or Designee

Date