

RESOLUTION AGREEMENT
Rockwood R-VI School District
OCR Docket No. 07161121

The Rockwood R-VI School District (District), Eureka, Missouri submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve OCR Docket No. 07161121. The District, as a recipient of Federal financial assistance and a public entity, is subject to the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation, 34 Code Federal Regulations (C.F.R.) § 104; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. § 35.

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. Nothing contained in this Agreement shall be construed to constitute an admission on the part of the District to this complaint. The District agrees to take the following actions:

504 Plan

1. By **October 15, 2016**, the District will convene the Student's middle school 504 team (504 Team) to review the Student's current 504 plan and develop a comprehensive plan to address the Student's stated disability (Peanut/Treenut Allergy, Asthma) that specifically identifies the District staff person or persons who are responsible for implementing each of the 504's Plan requirements. When developing the comprehensive plan, the 504 Team shall consider the needs of the Student including, but not limited to, food in the classroom, classroom textbooks, seating areas, games and/or arts and crafts, physical education class, field trips, extra-curricular activities, transportation to and from required school events, lunch room seating, supervision of the student, and the individual emergency procedures, including the administration of the Epi-pen. The Parent and the Student will identify the extra-curricular activities in which the Student plans to participate during the 2015-16 school year in order to insure that the staff or faculty member responsible for each extra-curricular activity, including District provided transportation are provided a copy of the Student's 504 Plan.
2. The District will document its decision and provide the Student's parent with notice of their procedural safeguards as required by 34 C.F.R. § 104.36.

Reporting Requirement: Within 10 days of the completion of items 1 and 2, the District shall provide OCR a copy of the Student's comprehensive 504 plan, 504 Team meeting notes, and a copy of the notice of procedural safeguards provided to the Student's parent.

3. By **August 16, 2016**, the District shall provide a copy of the Student's current 504 plan to each of the Student's teachers, the school nurses, and to the administrative personnel, staff or faculty member responsible for each extracurricular activity that the Student's parent has provided the District at least five hours advance notice of the Student's intent to participate, including District provided transportation. Following

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

the upcoming 504 plan review meeting to be held and completed on or before 10/15/2016, a new copy of the Student's 504 Plan will be provided to each of the Student's teachers, the school nurses, and to the administrative personnel, staff, or faculty member responsible for the extracurricular activity that the Student and/or Parent identified during the 504 plan review meeting.

Reporting Requirement: Within 10 days of completing item 3, the District shall provide OCR documentation that demonstrates its implementation of item 3 of the Agreement.

Training

4. By **October 15, 2016**, the District shall provide training to those individuals identified in item 3 of this Agreement. The Training shall, at a minimum, cover the following topics:

- District policies and practices on Section 504;
- The Student's individual health/504/emergency action plans as they relate to anaphylaxis concerns and responding to a food allergy emergency, will identify who will be contacted in the case of an emergency, will explain how staff will communicate during a medical emergency, and what essential information they will communicate; and
- How to administer epinephrine with an auto-injector (for those formally delegated to do so).

Reporting Requirement: Within 30 days of completing item 4, the District will provide documentation to OCR demonstrating that the District has provided the training identified in item 4 of the Agreement. The documentation shall include: 1) the date of the training session(s); 2) a list of names and titles of District employees who participated in the training session; 3) a description of the presenter's background and qualifications with respect to Section 504, the District's policies and procedures on allergies and preventative measures to avoid allergic reaction(s); 4) a copy of the agenda and the training materials disseminated; and 5) certification that the materials were provided to any staff unable to attend the training due to an emergency or other excused absence.

5. By **October 15, 2016**, the District shall provide additional training to those individuals identified in item 3 of this Agreement. The Training shall, at a minimum, cover the following topics:

- School or District policies and practices on food allergies;
- An overview of food allergies;
- Definitions of key terms, including food allergy, major allergens, epinephrine, and anaphylaxis;
- The difference between potentially life-threatening food allergy and other food-related problems;
- General strategies for reducing and preventing exposure to allergens (in food and nonfood items), including common risk factors, triggers, areas of

