

**Resolution Agreement
Wiggins School District
Complaint Number 08-16-1321**

In order to resolve the open allegations in Case Number 08-16-1321, filed against Wiggins School District (“the District”) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR) pursuant to Section 504 of the Rehabilitation Act of 1973 (“Section 504”), 29 U.S.C. § 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), 42 U.S.C. §§ 12131–65, and its implementing regulation at 28 C.F.R. part 35, the District agrees to implement the following Resolution Agreement.

Section 504 Meeting

1. Within ten (10) school days of the Student’s re-enrollment in the District, the District will convene a Section 504 plan meeting for the Student.
 - a. The District will take necessary measures to ensure parent participation in the meeting.
 - b. The District superintendent, the principal of the Student’s school, and other necessary District and school staff will attend the meeting.
 - c. Topics to be discussed at the meeting *and* incorporated into the Student’s Section 504 plan will include, but are not limited to:
 - i. The Student’s allergy and any other impairments;
 - ii. The Student’s individual needs;
 - iii. Accommodations and modifications to ensure the Student’s inclusion and safety at school and at school-sponsored events and activities;
 - iv. Communications among the Student, the Student’s parents, and the District, including the development of a form to notify the Student’s parents of any school-related events at which food will be served;
 - v. Clarification or elimination of vague terms in the Student’s Section 504 plan, including, but not limited to, “all efforts” and “near”;
 - vi. Responsibility for the provision of alternative, gluten-free food options; and
 - vii. A designated staff member in the District who will receive Section 504 plan-related concerns and complaints from the Student and the Student’s parents, and who will respond promptly and appropriately.
2. Within three (3) school days of the meeting, the District will provide a copy of the Student’s new Section 504 plan to:
 - a. The Student;
 - b. The Student’s parents;
 - c. All of the Student’s teachers; and
 - d. All staff at the Student’s school who are involved in coordinating school-related events and activities at which food may be served.

REPORTING REQUIREMENT: Within twenty (20) calendar days of the Section 504 plan meeting, the District will provide to OCR:

- A. A copy of the invitation to the meeting sent to the Student's parents;
- B. The names and titles of all individuals who attended the meeting;
- C. Notes or minutes from the meeting;
- D. A copy of the Student's new Section 504 plan; and
- E. Evidence that a copy of the new Section 504 plan was provided to all of the individuals specified in Term 2.

Staff Training

- 3. Within twenty (20) school days of the Section 504 plan meeting outlined in Term 1 above, the District will provide training for all staff at the Student's school.
 - a. The training will include the following topics:
 - i. The District's policies and procedures pertaining to evaluation, eligibility, placement, and plans for students under Section 504;
 - ii. Working with students who have Celiac Disease, including, but not limited to methods to reduce the risk of exposure and allergic reaction, responding to allergic reactions, and integrating students with food allergies into school and school-related events and activities; and
 - iii. The contents of the Student's Section 504 plan.
 - b. The training will be conducted by one or more individuals qualified to train school staff on students with food allergies.

REPORTING REQUIREMENTS: Within twenty (20) calendar days of the training, the District will provide to OCR:

- A. The date, time, and location of the training;
- B. The qualifications of the trainer(s);
- C. The agenda and materials from the training;
- D. The names and titles of District employees who attended the training; and
- E. Certification that the training materials were provide to all staff who were unable to attend the training due to an emergency or other excused absence.

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. If the Student does not re-enroll in the District by December 31, 2017, the District will notify OCR and OCR will close the monitoring.

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 the Agreement, if necessary, OCR may visit the District, interview District employees 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 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 sixty (60) calendar days to cure the alleged breach.

For Wiggins School District:

/s/

Gary Bruntz, Superintendent

Date