

RESOLUTION AGREEMENT

Buckeye Elementary School District OCR Case Number 08-19-1183

Buckeye Elementary School District (“District”) enters into this Agreement to resolve an allegation in the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures the U.S. Department of Education, Office for Civil Rights (OCR) that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (“Section 504”), as amended, 29 United States Code (U.S.C.) Section 794, and its implementing regulation, at 34 Code of Federal Regulations (C.F.R.) Part 104, and Title II of the Americans with Disabilities Act of 1990 (“Title II”), 42 U.S.C. Section 12131 *et seq.*, and its implementing regulation, at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

Prior to OCR conducting an investigation of the allegation, the District agreed to resolve this case through OCR’s Rapid Resolution Process and pursuant to Section 110 of OCR’s *Case Processing Manual* (CPM). Accordingly, to resolve the issue, the District agrees to implement the following term and reporting requirements.

TERM I: Consistent with all procedural requirements of Section 504,¹ the District will convene a meeting to discuss, at a minimum: the Complainant’s concerns regarding a field trip on or about XXXX 2019, including the presence of peanut products and absence of the Student’s EpiPen; the Student’s disability and disability-related needs; and the Student’s Section 504 plan. At the meeting, District staff will invite input from the Complainant and document the perspectives shared, information considered, and decisions made. If necessary, the group will revise the Student’s Section 504 plan. If the Student’s Section 504 plan is revised, the District will ensure that all necessary staff receive the updated plan in a timely manner, along with a reminder to follow the plan with fidelity.

Term I Reporting Requirements:

- A. Within fifteen (15) school days of this Agreement being signed, the District will: invite the Complainant, in writing, to a meeting; and send a copy of the invitation to OCR. The invitation will include an explanation of why the Complainant is receiving the invitation.² The proposed meeting date will be within thirty (30) school days of this Agreement being signed.
- B. Within fifteen (15) school days of the meeting being held pursuant to Reporting Requirement A above, the District will submit to OCR: communications between District staff and the Complainant regarding the meeting; an attendance list from the meeting, including printed names and titles/positions; notes or minutes from the meeting, including the perspectives shared, information considered, and decisions made; and copies of any records or documents reviewed or considered at the meeting. If the Student’s Section 504 plan is revised, the District will also submit to OCR: a copy of the revised Section 504 plan; and evidence that the revised

¹ See 34 C.F.R. §§ 104.35-36.

² The meeting does not have to be limited to those discussions outlined in Term I. For example, the meeting could also serve as an annual review.

Section 504 plan was distributed to all necessary staff,³ with a reminder to implement the Section 504 plan with fidelity.⁴

- C. The District will promptly and fully address OCR's concerns, if any, until the District receives notice from OCR that no further reporting is required.⁵

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific term and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. Sections 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

The District understands that by signing this Agreement, it agrees to provide the foregoing 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 School, 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 are in compliance with Section 504, and its implementing regulation, and Title II, and its implementing regulation. Upon completion of the obligations under this Agreement, OCR will close this case.

For Buckeye Elementary School District:

/s/ _____
Dr. Kristi Sandvik, Superintendent

2/25/19 _____
Date

³ Necessary staff include, but are not necessarily limited to, the Student's classroom teachers and teacher aides (if any), pertinent cafeteria staff, school administrators, nurses and health aides, and staff attending field trips in which the Student will participate.

⁴ An example of such evidence is a copy of an email showing the text in the body of the email and the list of recipients, and a copy of the attachment(s).

⁵ Except in extraordinary circumstances, OCR does not typically substitute its judgment for the decisions made by a group that is properly constituted and that takes appropriate actions in light of the requirements of due process.