

**Resolution Agreement
Lakeside Union School District
OCR Case No. 09-18-1049**

In order to resolve the issues raised in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504), and Title II of the Americans with Disabilities Act of 1990 (Title II), Lakeside Union School District (District), agrees to take the actions outlined in this Resolution Agreement (Agreement).

The District agrees to take the following steps:

I. Section 504 Meeting

- A. The District recognizes its responsibility to afford qualified students with a disability an opportunity to participate in or benefit from an aid, benefit, or service that is equal to that afforded others; and to ensure that qualified students with a disability are not limited in the enjoyment of any right, privilege, advantage or opportunity enjoyed by others receiving an aid, benefit or services.
- B. The District will confirm its willingness to the Student's parent (Parent)¹ to schedule Section 504 meetings in response to concerns or questions she may have about the Student's disability-based needs, including his Section 504 services and access to school-based activities such as snack and lunch.
- C. The District will convene a Section 504 team meeting for the Student by June 11, 2018, or at a mutually agreed-upon date between the District and the Parent. The meeting is to be attended by a team of individuals knowledgeable about the Student, and about evaluation data concerning the Student. The purpose of the meeting, and subsequent meetings if necessary, is to ensure that the Student's disabilities are fully and correctly identified; to review the goals, placement and services provided for in the Student's December 11, 2017 and April 18, 2018 Section 504 plan; and to ensure that the Student's Section 504 plan provides a placement and services that are adequate to meet all of the Student's individual disability-related needs. The meeting will include an administrator and/or an individual knowledgeable about the Student from the school that the Student will attend in the 2018-2019 school year.
- D. The Parent will be given an opportunity to submit records or other information at or prior to the meeting.
- E. The Section 504 team will review the Student's access to the District's programs and activities, in particular lunch and snack, to ensure that the Student has an opportunity to benefit from the District's program equal to that of students without disabilities.

¹ OCR previously notified the District of the Parent's and Student's names.

- F. The Section 504 team will discuss how to ensure the Student's access to the District's programs and activities in the Student's XXXXXXXXXXXX year, particularly with regard to lunch, snack, a "no-nut/no-seed" or similar table, class parties and field trips. Such discussion will be continued, if the Parent or School believe necessary, in a subsequent Section 504 meeting to be held at the beginning of the 2018-2019 school year at the Student's new campus.
- G. The Section 504 team will discuss the complainant's request that students wash their hands with soap and water directly after snack and directly after lunch. If relevant staff and administrators are in attendance from the school the Student will attend in the 2018-2019 school year, the Section 504 team will initiate discussion of the complainant's request in the context of the Student's new campus. Such discussion will be continued, if the Parent or School believe necessary, in a subsequent Section 504 meeting to be held at the beginning of the 2018-2019 school year at the Student's new campus.
- H. The Parent will be provided with written notice of procedural safeguards at the Section 504 meeting referenced in Section I.C. The District will review the procedural safeguards with the complainant and answer any questions she may have regarding the options available under Section 504/Title II should she be in disagreement with any of the decisions reached at the meeting.

Reporting Requirements

- I. By April 27, 2018, the District will provide OCR a copy of the Section 504 plan reviewed at the meeting held on April 18, 2018, scheduled prior to execution of this resolution agreement. This documentation is to include the Section 504 meeting notes and any documentation reviewed at the meeting.
- J. By June 15, 2018, the District will provide OCR a copy of the Section 504 plan reviewed at the meeting described in Section I.C., the Section 504 meeting notes, and any documentation reviewed at the meeting. The District will also provide OCR written confirmation of its understanding of the commitments outlined in Section I.A. and I.B., as well as confirmation that it orally communicated the language in Section I.A. and Section I.B. to the complainant at the Section 504 meeting.

II. Contents of School Lunches

- A. By April 30, 2018, the School will develop or identify a picture, graphic or other visual stimulus to use to designate the school lunches that contain sesame seeds and/or sunflower seeds or have been processed in a facility that also processes peanuts and/or tree nuts in order to make such lunches easily identifiable for students.

Reporting Requirements

- B. By May 4, 2018, the District will provide pictures to show that school lunches that contain sesame seeds and/or sunflower seeds or have been processed in a facility that also processes peanuts and/or tree nuts have been so designated, pursuant to Section II.A. If there are no school lunches that contain sesame seeds and/or sunflower seeds or have been processed in a facility that also processes peanuts and/or tree nuts, the District will so notify OCR, and will not be required to provide the aforementioned pictures.

III. Letter to Parents/Guardians about Allergy Awareness, Food at Class Parties and Ice Cream Policy

Reporting Requirements

- A. By April 30, 2018, the School will send to OCR the draft allergy-awareness letter to the Student's class and to the kindergarten and first-grade campus, which was developed in conjunction with the Parent, for review and approval. The letter to the parents/guardians in the Student's class will also notify them which school lunches contain sesame seeds and/or sunflower seeds or have been processed in a facility that also processes peanuts and/or tree nuts. Also, using the e-mail sent to all School parents on January 19, 2018 as a guide, the letter will clarify precisely for all School parents that no food is allowed to be brought in for birthdays, that parents are not allowed to purchase ice cream for the class from the lunch room, and reiterates when food may be brought to school for class parties.
- B. Within five business days of OCR approval, the School will send the letter described in Section III.A. to all kindergarten and first-grade parents.

IV. “No-Nut/No-Seed” Table

- A. By April 30, 2018, the School agrees to:
 - a. Rename the allergy-awareness table the “no-nut/no-seed” table.
 - b. Label the “no-nut/no-seed” table at each end with pictures to clearly indicate to all students and staff that products that contain sesame seeds and/or sunflower seeds or have been processed in a facility that also processes peanuts and/or tree nuts are not to be consumed at the table.
 - c. Permit school lunches provided by the District that do not contain sesame seeds and/or sunflower seeds or have been processed in a facility that also processes peanuts and/or tree nuts at the “no-nut/no-seed” table.

- d. Clean the “no-nut/no-seed” table each day before and after lunch and snack.
- B. By May 7, 2018, the School agrees to ensure that the “no-nut/no-seed” table is the same size, dimensions and color as all of the other lunch tables, and is fully integrated in the school lunch area.

Reporting Requirements

- C. By May 9, 2018, the District will provide written confirmation to OCR of the steps taken in Sections V.A. and V.B. Such confirmation will include photographs of the “no-nut/no-seed” table.

V. Meeting with the Complainant

- A. By May 2, 2018, the School will hold a meeting with the complainant to discuss the inclusion of students who purchase no-nut/no-seed school lunches at the “no-nut/no-seed” table. The topics at the meeting are to include, but are not limited to, the following:
 - a. Whether the Student’s assigned buddies have first priority at the “no-nut/no-seed” table;
 - b. A description of the monitoring process that the School will use to ensure that only students who buy no-nut/no-seed school lunches sit at the “no-nut/no-seed” table;
 - c. Whether any remaining seats at the “no-nut/no-seed” table will be filled on a first-come, first-serve basis after or before the Student’s assigned buddies have sat down;
 - d. Any other questions the complainant or the School may have about seating arrangements of the Student’s assigned buddies and students who purchase no-nut/no-seed school lunches at the “no-nut/no-seed” table.

Reporting Requirements

- B. By May 4, 2018, the District will provide OCR with a copy of the notes taken at the meeting as well as any documentation reviewed at the meeting.

VI. Buddies at the “No-Nut/No-Seed” Table

- A. By April 27, 2018, the School will e-mail the buddy schedule for May 1 - 11, 2018 to the parents/guardians of the Student’s buddies for the first half of May. There will be up to five buddies approved to join the Student at the “no-nut/no-seed” table each week at lunch and snack, with the understanding that not all five buddies may be available to sit at the “no-nut/no-seed” table on all of their assigned days. Students may be approved to serve as buddies for multiple weeks (e.g., week 1 and week 3) during a given month. The District will notify parents/guardians that they may pack a no-nut/no-seed lunch for their children or have their children buy a no-nut/no-seed lunch at school.

- B. By April 30, 2018, the School will send a letter to all parents/guardians of the students in the Student’s class. This letter will:
 - a. Provide notice that the allergy-awareness table has been renamed the “no-nut/no-seed” table;
 - b. Explain that products that contain sesame seeds or sunflower seeds or have been processed in a facility that also processes peanuts or tree nuts may not be consumed at the “no-nut/no-seed” table;
 - c. Invite interested students to sit at the “no-nut/no-seed” table for weekly rotations, subject to parent/guardian permission and school approval;
 - d. Ask parents/guardians of interested students, including those who may have previously communicated their interest in the past in sitting at the “no-nut/no-seed” table, to e-mail or otherwise contact the School Principal (Principal) to confirm their interest as soon as possible;
 - e. Notify parents/guardians that students may purchase school lunches provided by the District, which do not contain sesame or sunflower seeds and which were not processed in a facility that also processes tree nuts or peanuts, and eat them at the “no-nut/no-seed” table.

- C. By May 9, 2018, the School will e-mail the buddy schedule for May 14 - June 1, 2018 to the parents/guardians of the Student’s buddies for the second half of May. The School will remind parents/guardians in the e-mail that they may pack a no-nut/no-seed lunch for their children or have their children buy a no-nut/no-seed lunch at school.

- D. By May 25, 2018, the School will e-mail the parents/guardians of all of the buddies (for whom parent education and buddy training is complete) the buddy schedule for June 2018. The School will remind parents/guardians in the e-mail that they may

pack a no-nut/no-seed lunch for their children or have their children buy a no-nut/no-seed lunch at school.

- E. The School will designate a staff person to print and tape the week’s buddy schedule to each end of the “no-nut/no-seed” table each Monday (or the first day of the school week if Monday is not a school day) prior to snack so staff and students alike are aware of the weekly buddy schedule.
- F. The School will not condition buddies’ participation at the “no-nut/no-seed” table on their wearing a lanyard, and will not turn buddies away from the “no-nut/no-seed” table because they do not have a lanyard. The School will make lanyards available to any student who comes to sit at, or whose name is listed on the schedule for, the “no-nut/no-seed” table.
- G. If all of the Student’s buddies are absent, unavailable, or elect not to sit at the “no-nut/no-seed” table, the School, with the Student’s consent to invite other students, will make an attempt to invite two or more students who have purchased no-nut/no-seed lunches to join the Student at the “no-nut/no-seed” table, with the goal of ensuring that the Student does not sit alone at the “no-nut/no-seed” table for lunch or snack unless the Student specifically requests to do so.
- H. The School will ensure that all newly identified buddies and parents who have volunteered to participate in the buddy program and have not already received parent education and buddy training by District staff are trained by May 11, 2018.

Reporting Requirements

- I. By May 31, 2018, the District will provide written confirmation to OCR of the steps taken in Section VI. The District will also notify OCR if the Student sat alone for snack or lunch during the month of May and, if so, will explain the circumstances involved. Such confirmation may be provided in a calendar or log which notes the number of students sitting at the table at lunch and snack with the Student.
- J. By June 29, 2018, the District will notify OCR if the Student sat alone for snack or lunch during the month of June and, if so, will explain the circumstances involved. Such confirmation may be provided in a calendar or log which notes the number of students sitting at the table at lunch and snack with the Student.

VII. Staff EpiPen Training

- A. Consistent with the Student’s Section 504 plan, by September 7, 2018, the District will ensure that all designated staff specified in the Student’s Section 504 plan,

including teachers, assigned noon duty staff and alternate staff supervising school activities, are provided training in recognizing signs of anaphylaxis, emergency procedures and administering an EpiPen.

Reporting Requirements

B. By September 14, 2018, the District will provide confirmation to OCR that the EpiPen training has occurred as described in Section VIII.A.

VIII. Monitoring

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further the District understands that during the monitoring of this agreement, 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 at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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.

_____/s/_____
Superintendent/Designee
Lakeside Union School District

_____04/27/2018_____
Date