

RESOLUTION AGREEMENT
The School Board of the City of Virginia Beach, Virginia dba
Virginia Beach City Public Schools
Complaint No. 11-14-1237

The School Board of the City of Virginia Beach, Virginia, dba Virginia Beach City Public Schools (the Division), agrees to fully implement this Resolution Agreement (Agreement) to resolve the above-referenced complaint, which was filed on behalf of all students with food allergies who attend Division schools.

GENERAL PROVISIONS

1. This Agreement does not constitute an admission by the Division of any violation of Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.
2. Full implementation of this Agreement by the Division resolves the allegations in, and OCR's compliance concerns regarding, the above-referenced complaint.

SUBSTANTIVE PROVISIONS

3. By March 31, 2015, the Division will submit, for OCR approval, a draft Handbook for the Management of Allergies in Virginia Beach City Public Schools, and drafts of all policies, procedures and/or practices governing the aids and services to be provided to students with food allergies who are found eligible to receive services under Section 504 and/or Title II. The draft Handbook and/or policies, procedures, and/or practices will include the following:
 - a. Adequate policies, procedures and/or practices governing food allergy risk management in each type of Division school program and activity attended by a Division student, including classrooms and common use rooms (e.g., cafeterias, libraries, computer labs, gymnasiums, and art and music rooms), and during recess periods, bus transportation, field trips, and extracurricular, school-related activities.
 - b. Sufficient emergency response policies, procedures, and practices covering all Division school programs and activities to address food allergy-related reactions. These policies, etc., will address the proper handling and administration of epinephrine in the event of an anaphylactic or other serious food allergy-related reaction, and will identify the staff responsible for

- emergency responses, in accordance with applicable federal and state laws and regulations.
- c. A provision requiring that all Division staff responsible for the immediate custodial supervision or care of such a student will receive comprehensive training on food allergies and the implementation of the student's Section 504 and related plans.
 - d. A provision regarding the Section 504 notification requirements for substitute teachers for such students, including providing such substitutes with copies of each such student's plans prior to serving as his or her substitute.
 - e. A provision requiring that at least one Division staff person or agent who is adequately trained in food allergies be present at each such student's school during all regular school hours and at all school-sponsored activities attended by the student, e.g., to promptly and properly administer epinephrine to the student.
 - f. Provisions setting out all of the food allergy-related responsibilities of parents and students in the student's school programs and activities and an effective process for communicating their food allergy-related responsibilities to them.
4. By October 16, 2015, the Division will, for each Division student with a food allergy who is found eligible for a Plan under Section 504 and/or Title II, finalize and implement a Plan that: provides all aids and services that are required by Section 504, Title II, and this Agreement; fully addresses the individualized needs of the student; and incorporates by reference the student's Life-threatening Allergy Management Plan (LAMP) and/or similar plan. With regard to the evaluation for and establishment of each such Section 504 Plan, the Division will:
- a) draw upon a variety of sources in evaluating the student; b) document and carefully consider the information obtained from all sources, including all available medical information regarding the student's food allergies (e.g., the treating physician's medical orders), the nature and severity of the student's food allergies, and the types of exposure that can result in the student having a food allergy-related reaction (e.g., whether such reactions are likely to occur due to ingestion or topical or airborne exposure); c) ensure that the Plan is developed by a group of individuals familiar with the student, food allergies, the meaning of the food allergy information and documentation relating to the student, and the programs at the student's school; and d) notify the student's parent or guardian of their due process rights.
5. By October 16, 2015, the Division will, with respect to each Division student with a food allergy who is found eligible for a Plan under Section 504 and/or Title II, notify appropriate staff of the student's Plan and notify all school staff, parents, and students at the student's school of the policies, procedures, and practices

established or amended pursuant to this Agreement. By this date, the Division will also adopt and publish all policies, procedures, and practices established or amended pursuant to this Agreement.

6. The Division will maintain such documentation of the above commitments as is needed to demonstrate that it has fulfilled them.

REPORTING PROVISIONS

7. By November 6, 2015, the Division will provide OCR with:
 - a. From each Division school attended by at least one student with a food allergy who is found eligible for a Plan under Section 504 and/or Title II, a copy of the Plan for one such student;
 - b. Copies of and Internet links to all policies, procedures, and practices established or amended pursuant to this Agreement; and
 - c. One sample copy each of the notification of policies, procedures, and practices sent to a school staff person, parent, and student at two Division elementary schools, two middle schools, and two high schools attended by a student with a food allergy who is found eligible for a Plan under Section 504 and/or Title II.

8. The Division understands that:
 - a. OCR will not close the monitoring of this Agreement until it determines that the Division has fulfilled all of its terms and is in compliance with Section 504 and Title II with respect to the issues addressed in this Agreement;
 - b. During the monitoring of this Agreement, OCR may visit the Division, interview staff and students, and request such additional reports and data as are necessary for OCR to determine whether the Division has fulfilled the terms of this Agreement and is in compliance with Section 504 and Title II with respect to the issues addressed in this Agreement; and
 - c. OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement, but before initiating such proceedings, OCR will give the Division written notice of the alleged breach and a minimum of sixty (60) calendar days within which to cure it.

(REMAINDER OF PAGE LEFT BLANK)

APPROVAL

By: _____/S/_____
Dr. Aaron Spence, Superintendent or designee
Virginia Beach City Public Schools

_____ **1/20/2015** _____
Date