

**RESOLUTION AGREEMENT**  
**Lexington County School District One**  
***OCR Case No. 11-16-1289***

Lexington County School District One (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-16-1289. This Agreement does not constitute an admission by the District of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

**Allegation 1**

1. The District will draft an update memo regarding the development of Section 504 plans for students with diabetes or other life-threatening disabilities regarding the provision of medical services during potential medical emergencies and distribute the memo to administrators and those with 504, Individual Health Plan (IHP), and Emergency Action Plan (EAP) responsibilities. The District will ensure that the Section 504 plans for these students address who is responsible for the provision of such emergency services, the nature of the services to be provided, and notification to the student's parent/guardian.

Reporting Requirement: By May 30th, 2018, the District will provide OCR with its draft memo for review and approval.

Reporting Requirement: Within 10 days of the distribution of the memo, the District will provide OCR with confirmation that the memo was sent to the necessary parties.

2. The District will provide mandatory training(s) on the evaluation and provision of accommodations for students with diabetes and the District's obligation to respond to medical emergencies regarding students with diabetes or other life-threatening disabilities to District nursing staff members, Section 504 coordinators, principals, and assistant principals. The training(s) will be conducted within 30 days of the circulation of the memo described in item 1. The training(s) can be done as part of a monthly administration/counselor meeting, as long as the individuals described above are present.

Reporting Requirement: At least two weeks prior to the scheduled training(s), the District will provide OCR with the name and qualifications of the trainer and an outline of the training content for OCR approval.

Reporting Requirement: Within 30 days of the completion of the training(s), the District will provide copies of sign-in sheets or other documentation of participation from the training session(s).

3. By September 30th, 2018, the District will review any Section 504 plans for students within the District who have diabetes and ensure that any plans that include self-monitor or self-medicate language include plans for potential medical emergencies during which

the student is unable to self-monitor or medicate due to disability-related illness or incapacitation.

Reporting Requirement: By October 15th, 2018, the District will provide OCR with copies of all Section 504 plans for students with diabetes to ensure completion of Item 3.

#### **Additional Requirements**

4. The District will, at the time of the annual IEP review or sooner if a special review is requested by the Student's Parent or the School, review existing information and data specifically to determine the appropriateness of such services to address the impact of the Student's diagnoses of XXXX on the Student's academic and functional performance, and to provide any appropriate additional services as determined by the team. Should either the Parent or School believe that a reevaluation is necessary for this purpose, an Evaluation Planning meeting will be scheduled to consider such request and need.

Reporting Requirement: Within 10 business days of any planned evaluation and of the annual or any special review, the District will provide OCR with copies of any Evaluation Planning documentation and IEP meeting minutes and prior written notice(s) (PWNs) related to any evaluation plan and IEP meeting(s).

5. The District will draft an update memo regarding the District's obligation to evaluate or reevaluate students who are believed to need special education or related aids and services. The memo will include information on the following subjects: the procedural requirements of Section 504 at 34 C.F.R 104.35; examples of the types of information that are sufficient to trigger the District's obligation to evaluate a student; and, a student's potential eligibility for related aids and services under Section 504, even if the student is not eligible for special education services. This memo could be combined with the memo described in item 1.

Reporting Requirement: By May 30th, 2018, the District will provide OCR with its draft memo for review and approval.

Reporting Requirement: Within 10 days of the distribution of the memo, the District will provide OCR with confirmation that the memo was sent to the necessary parties.

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 regulation 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 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 a minimum of sixty (60) calendar days to cure the alleged breach.

By:                     /s/                     Date: 03/07/2018  
Dr. Gregory D. Little, Superintendent