

**RESOLUTION AGREEMENT**  
**Lexington/Richland School District 5**  
***OCR Complaint No. 11-19-1384***

Lexington/Richland School District 5 (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve the allegation investigated in Office for Civil Rights (OCR) Complaint No. 11-19-1384. This Agreement does not constitute an admission by the District of a 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.

1. By December 15, 2019, the District will contact the Complainant in writing (via email or letter) and offer the Student the opportunity to return to the District. The written offer will also state that should the Complainant/Student choose to return to the District, the District will schedule a meeting with the Complainant no later than January 13, 2020 to ensure that the Student is in a medically safe environment, in all settings, with respect to her allergies, including on field trips and special events. The District's written offer to the Complainant will request that the Complainant provide a response, either telephonic, or in writing, no later than January 10, 2020.
  - a. By December 18, 2019, the District will provide OCR with a copy of the letter that was sent to the Complainant as directed in requirement 1, above.
  - b. By January 13, 2020, the District will provide OCR with confirmation that the Complainant has either 1) accepted; 2) declined; or 3) failed to respond to the written offer in requirement 1. If the Complainant responds via telephone, the District will provide OCR with evidence of the substance of the response (e.g., handwritten notes of the call).
2. If the Complainant/Student chooses to return to the District, by January 20, 2020, after providing proper written notice to the Student's parent/guardian, the District will convene a group of persons knowledgeable about the Student, making all reasonable efforts to include the parent/guardian, to discuss whether any modifications needs to be made to ensure that the Student is provided with a medically safe learning environment while on field trips, special events, or any other District sponsored programs or activities. The meeting will also assess whether there is a need to provide the Student with compensatory education services as a result of the Student having to go on homebound instruction between May 1, 2019 and June 6, 2019. If the group determines that the Student needs such services, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond June 1, 2020. The District will provide the Student's parent/guardian with written notice of the outcome of the meeting, including an explanation for decisions made, a description of and schedule for providing compensatory and/or remedial services (if any) to the Student, and notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

- a. If applicable, within one week of the meeting, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting, including an explanation for decisions made, a description of and schedule for providing compensatory and/or remedial services (if any) to the Student, and a list of meeting attendees. The District will also submit to OCR a copy of the written invitation to the Student’s parent/guardian and a copy of the notice of the outcome of the meeting that was provided to the Student’s parent/guardian. OCR will review the documentation submitted to ensure that the District met the procedural and other requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36, in making these determinations.
  - b. If applicable, by June 5, 2020, the District will provide documentation to OCR of the dates, times, and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).
3. By January 20, 2020, the District will train all Chapin Elementary School staff members who are involved in the development of Section 504 Plans or Individual Health Care Plans on the need to ensure that a student with a severe allergy is in a medically safe environment in all settings, including on field trips or special events.
    - a. By January 24, 2020, the District will provide OCR with documentation confirming completion of the training, including: (a) the name(s), title(s), and qualifications of the trainer(s), (b) any handouts or presentations developed for this training; (c) a sign-in sheet including the list of names, titles, and signatures of the School personnel who participated in the training, and the date of the training.

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 the Agreement. Further, the District understands that during the monitoring of this Agreement, if necessary, 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 and obligations of this Agreement. Upon the District’s satisfaction of the commitments made under this Agreement, OCR will close this case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this Agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Dr. Christina Melton, Superintendent