Akron Public School District  
Resolution Agreement  
OCR Docket #15-16-7333

Akron Public School District (the District) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving the above-referenced complaint and ensuring compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. § 104.35.

The District agrees to take the following actions:

1. By June 1, 2021, the District will update certain items as follows:

   A. The District’s Policy 8500 – Food Services, will state that: (1) cost-free food substitutions due to allergies or other disability-related needs will be made in compliance with Section 504; and (2) that should a student’s Section 504 plan entitle them to such substitutions, any related paperwork requirements necessary for compliance with U.S. Department of Agriculture regulations be addressed during the student’s Section 504 team meeting.

   B. The District’s Policy 5330 – Use of Medications; Administrative Guideline 5330A – Emergency Medication; and Administrative Guideline 5340B – Health Emergencies and First Aid will each include a cross-reference to the District’s Section 504 policies and procedures; state that the District will seek a family’s consent for evaluation under Section 504 if a student is receiving (or is requesting to receive) medication or other healthcare at school; and state the District will provide families procedural safeguards.

   C. The District’s internal Section 504 reference manual should clarify that:
      a. A student who has a health care, medical, or other type of plan from a healthcare provider may be entitled to evaluation under Section 504; and that the District will seek consent of the family to evaluate a student under such circumstances and will provide procedural safeguards.
      b. Any Section 504 plan written for a student that also references or attaches a health, medical or other similar plan will clearly state that the other plan is incorporated into the Section 504 plan.
      c. A family may challenge anything in any part of the Section 504 plan, including a referenced, attached, or incorporated health or medical plan, using the District’s procedural safeguards.
      d. In determining whether a student is a person with a disability under Section 504, Section 504 teams must consider substantial limitation in all major life activities, not just learning, and revise any sections that state or imply that learning is the only applicable life activity.

Reporting Requirement: By June 1, 2021, the District will provide OCR with revised drafts of the above items for OCR’s review and approval.
2. Within 90 days of OCR’s written confirmation of the District’s compliance with Paragraph 1 above, the District will adopt the revised items, post them to its website and send notice to District families and staff informing them of the updates and how to locate them. Such notice may be a link to the URL of each item on the District’s web site.

**Reporting Requirement:** Within 90 days of OCR’s written confirmation of the District’s compliance with Paragraph 1 above, the District will provide OCR with documentation sufficient to show its compliance with Paragraph 2 above. This may include records of adoption by the District, the URL of the updated policies, and copies of any communication sent to family and staff.

3. By September 17, 2021, the District will provide training by an appropriate individual regarding the District’s obligations to identify, evaluate, and place students under Section 504 as follows:

   a. To all certified health aides working on a regular basis within the District. Such training should particularly make clear the role the certified health aide will play in timely relaying relevant information from the family to the individual at the school building overseeing the Section 504 process.

   b. To all District administrators, principals, school psychologists or counselors, intervention specialists, and other individuals who may be involved in developing and drafting Section 504 plans within XXXXXXX XXXXXXXXXX XXXXXXXXXX XXXXXXXXXX XXXXXXXXXX. Such training should specifically focus on the evaluation process for students with medical needs (allergies, asthma, diabetes, etc.) and the way that information/plans for healthcare providers should be considered in the overall context of Section 504 evaluation and placement. The training will either be presented or attended by the District’s Section 504 Coordinator and its Director of Special Education.

**Reporting Requirement:** By September 17, 2021, the District will provide OCR with documentation sufficient to show its compliance with Paragraph 3 above. This may include copies of any training materials, sign-in sheets of those in attendance, and information about the trainer.

**General Requirements**

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

The Agreement will become effective immediately upon the signature of the District’s representative below.

/s/ Superintendent or Designee Date