

**Chippewa Valley Schools
Resolution Agreement
OCR Docket #15-18-1261**

Chippewa Valley Schools (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. Part 104.

The District agrees to take the following actions:

Action Step

1. Within 7 calendar days of signing this Agreement, the District will send the parent(s) of the Student identified in OCR Docket #15-18-1261 (the Student), a certified letter offering reimbursement for the period of December 7, 2017, through the date of the District's letter, for any documented out-of-pocket medical expenses incurred as a direct result of the District's failure to implement the Student's Health Care Plan (HCP). The letter will notify the Student's parent(s) that verification must be received by April 30, 2019. The letter will further provide the name and contact information (telephone number, office address, and e-mail address) of a designated District employee whom the Student's parent(s) may contact regarding questions related to verification of the out-of-pocket expenses and reimbursement.

Reporting Requirements: Within 14 calendar days of signing this Agreement, the District will provide OCR with documentation showing implementation of Action Step 1 above, including: a copy of the certified letter sent to the Student's parent(s).

2. By May 31, 2019, the District will reimburse the Student's parent(s) for documented out-of-pocket medical expenses incurred from December 7, 2017, through the date of the District's letter described in Action Step 1 above, as a direct result of the District's failure to implement the Student's HCP.

Reporting Requirements: By June 30, 2019, the District will provide OCR with documentation showing implementation of Action Step 2 above, such as a copy of a cancelled check. If the Student's parent(s) fail to provide verification of expenses incurred pursuant to Action Step 1 above, the District will provide OCR with a signed statement to that effect. If the District rejects and/or disputes the reimbursement amount sought by the Student's parent, the District will submit to OCR for its review all documentation provided by the Student's parent(s), the information considered, and an explanation for the determination.

3. By May 15, 2019, the District will reconvene the Student's Individualized Education Program (IEP) team (the Team), consisting of persons knowledgeable about the Student,

including the Student's parent(s), to make the determinations identified below in Action Steps 3.a.-c. The District will provide the Student's parent(s) a meaningful opportunity to provide input into the determinations, written notice of the determinations made, and notice of the procedural safeguards available to them under the Section 504 implementing regulations at 34 C.F.R. § 104.36, including the right to challenge such determinations through an impartial due process hearing.

Specifically, the Team will:

- a. Ensure that the Student's IEP and HCP clearly state that the HCP is a part of the Student's IEP, if the Team determines that the IEP and HCP will remain as separate documents.
- b. Discuss the number of medical interventions the Student required from December 7, 2017, through the date of the IEP meeting, and amend the Student's HCP if the Team determines that the current HCP is not effectively preventing the Student from experiencing XXXXX allergy attacks at the District.
- c. Determine whether any compensatory education and/or other remedial services for the Student are necessary from December 7, 2017, through the date of the IEP meeting, due to the District's failure to implement the Student's general health plan and HCP. The Team will develop a written plan for providing the Student with the compensatory education and/or other remedial services, if deemed necessary. Any such plan will identify the nature and amount of the services to be provided at no cost to the Student's parent(s), by whom, and when, and will become a part of the Student's IEP.

Reporting Requirements: By May 31, 2019, the District will provide OCR with documentation showing implementation of Action Step 3 above, including: the names and titles of the individuals who attended the IEP meeting; a copy of any meeting minutes; a copy of the Student's IEP; a copy of the Student's HCP; a copy of any plan for compensatory education and/or other remedial services developed for the Student; documentation of any input provided by the Student's parent(s), and showing that procedural safeguards were provided to them; and any other documentation relevant to the determinations reached in accordance with Action Step 3 above. Should the Team determine that the Student's current HCP does not necessitate an amendment and/or determines that compensatory education and/or other remedial services for the Student are not necessary, the District will provide a written explanation for the determination(s), along with supporting documentation. OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504 at 34 C.F.R. §§ 104.34, 104.35, and 104.36.

By September 30, 2019, the District will provide OCR with documentation of the dates, times, and locations that compensatory education and/or other remedial services, if required, were provided, a description of what was provided, and the name(s) of the service provider(s).

4. Within 3 calendar days of the IEP meeting, the District will provide the Student's parent(s) with a copy of the IEP and HCP, and a copy of any written plan for providing the Student with compensatory education and/or remedial services, and written notification of the Team's decision with regard to Action Steps 3.b.-c. above.

Reporting Requirements: By May 31, 2019, the District will provide OCR with documentation showing implementation of Action Step 4 above, including a copy of any notification sent to the Student's parent(s) pursuant to Action Step 4 above.

5. Within 3 calendar days of the IEP meeting, the District will provide a copy of the Student's IEP and HCP to: District administrators (i.e., the superintendent, the school principal, etc.); the District's special services director; the Student's teachers; the Student's substitute teachers; and all other relevant District staff (e.g., lunchroom staff, health aide, etc.). The District will obtain signatures from all District personnel acknowledging receipt of the Student's IEP and HCP.

Reporting Requirement: By May 31, 2019, the District will provide OCR with documentation showing implementation of Action Step 5 above, including: verification of the date the District provided a copy of the Student's IEP and HCP to District administrators, the District's special services director, the Student's teachers, the Student's substitute teachers, and all other relevant District personnel (please identify each staff member by name and title); and a copy of the signatures obtained from District personnel acknowledging receipt of the Student's IEP and HCP (please identify each signature by name and title).

6. By May 24, 2019, the District will provide training on the requirements of the Student's HCP to: District administrators (i.e., the superintendent; the school principal, etc.); the District's special services director; the Student's teachers; and District staff responsible for implementing the Student's IEP and HCP (e.g., lunchroom staff, health aide, etc.).

Reporting Requirement: By May 31, 2019, the District will provide OCR with documentation showing implementation of Action Step 6 above, including: the name(s) and title(s) of the trainer(s); the date(s) and time(s) of the training(s); copies of the agenda and any training materials distributed; and sign-in sheets, indicating name(s) and job title(s).

7. Within 60 calendar days of signing this Agreement, the District will submit for OCR's review and approval a copy of its proposed assembly materials to implement Action Step 8 of this Agreement, and the name(s), title(s), and qualifications of the proposed presenter(s).

Reporting Requirement: Within 60 calendar days of signing this Agreement, the District will submit for OCR's review and approval a copy of its proposed assembly materials (e.g., assembly agenda, presentation materials, handouts, pamphlets, etc.) to implement Action Step 8, and the name(s), title(s), and qualifications of the proposed presenter(s).

8. Within 30 calendar days of OCR's approval of the assembly materials submitted pursuant to Action Step 7, the District will hold at least one assembly for students in the Student's school

building to educate students and staff on: food allergies; rooms designated as XXXXX and XXXXX alert environments; the requirements related to rooms designated as XXXXX and XXXXX alert environments; products that contain XXXXX and XXXXX; the various means of exposure to XXXXX and XXXXX (e.g., consumption, contact, airborne); and the risks related to exposure for persons with XXXXX and XXXXX allergies. The Student will not be used as an example or otherwise identified during the assembly.

Reporting Requirement: Within 45 calendar days of OCR’s approval of the assembly materials submitted pursuant to Action Step 7, the District will provide OCR with documentation showing implementation of Action Step 8 above, including: the date(s) of the assembly; a copy of the assembly agenda; copies of presentation materials used; the name, title, and qualification of the presenter(s); sign-in sheets, indicating the name(s) and job title(s) of all District staff attendees; and the number of student attendees, indicating their grade level(s) and school building(s).

9. Within 60 calendar days of signing this Agreement, the District will submit for OCR’s review and approval a copy of its proposed training materials to implement Action Step 10 of this Agreement, and the name(s), title(s), and qualifications of the proposed trainer(s).

Reporting Requirement: Within 60 calendar days of signing this Agreement, the District will submit for OCR’s review and approval a copy of its proposed training materials (e.g., training agenda, presentation materials, handouts, pamphlets, etc.) to implement Action Step 10, and the name(s), title(s), and qualifications of the proposed trainer(s).

10. Within 45 calendar days of OCR’s approval of the training materials submitted pursuant to Action Step 9, or by September 30, 2019, whichever occurs later, the District will provide training by a competent authority on Section 504 and Title II’s requirements with respect to students with food allergies, to: the District’s Special Services Director and individuals at the Student’s school building involved in the identification, evaluation, and placement of students with disabilities.

Reporting Requirement; By October 5, 2019, the District will submit to OCR documentation to demonstrate its implementation of Action Step 10, including: the date(s) of the training(s); a copy of the training agenda; copies of training materials used; the name, title, and qualifications of the person(s) who provided the training(s); and sign-in sheet(s) showing the names and job titles of all training attendees.

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 commitments made under 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 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.

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

/s/

4/22/2019

Superintendent or Designee

Date