

**Voluntary Resolution Agreement
York School Department
U.S. Department of Education, Office for Civil Rights
Complaint 01-16-1102**

To resolve an allegation related to Complaint No. 01-16-1102 filed with the U.S. Department of Education, Office for Civil Rights (OCR) alleging disability discrimination under Section 504 of the Rehabilitation Act of 1973 and its implementing regulation found at 34 C.F.R. Part 104 (Section 504) and Title II of the American with Disabilities Act of 1990 and its implementing regulation found at 28 C.F.R. Part 35 (Title II), York School Department (District) agrees to implement the terms below. Nothing herein shall be deemed to be an admission or acknowledgment by the District that it has violated Section 504 or Title II, any other laws that OCR enforces, or any other Federal or State law, or that the District has otherwise treated XXXXX XXXXXXXXXXXXXXXXXXXXXXXX (Student) or her family unlawfully.

I. Individual Remedy

By September 1, 2016, a group of knowledgeable persons, including the parent/guardian, will determine at a Section 504 Team meeting whether the Student requires compensatory and/or remedial services as a result of the District not convening an initial Section 504 determination meeting for the 2015-2016 school year until December 2015. The District also agrees to create and maintain an agenda, sign-in sheet, and written minutes of this meeting.

Reporting Requirement for Term I

By October 1, 2016, the District shall submit to OCR documents supporting the group's decision regarding compensatory and/or remedial services including copies of the meeting agenda, sign-in sheet, and minutes. The report shall also include an explanation for decisions made, the information considered, and copies of any documentation considered that have not already been requested by this Term.

II. Allergy Procedure

1. By September 1, 2016, the District will revise Allergy Procedure JLCF-R to clarify the following:
 - i. Any identified student with allergies, regardless of whether the allergies are "serious/life threatening," will be referred to the Section 504 school coordinator if the student is suspected to have a physical or mental impairment which substantially limits one or more major life activities.
 - ii. The District will evaluate any student who, because of disability, needs or is believed to need regular or special education and/or related aids and services ("qualifying disability") consistent with Section 504.
2. By October 15, 2016, the District (through each school nurse or other staff) shall refer to each Section 504 school coordinator all previously identified students with allergies, regardless of whether the allergies are "serious/life threatening," if the student is suspected to have a physical or mental impairment which substantially limits one or more

major life activities still attending a district school who have not been evaluated pursuant to Section 504.

Reporting Requirement for Terms II

1. By September 1, 2016, the District will submit a copy of its revised Allergy Procedure for OCR's review and final approval. Within 30 days of OCR's final approval, the District will implement and publish the procedures on the District website, issue a copy to all administrative and instructional staff who may participate in the referral, evaluation, determination of eligibility, and placement processes, and mail a copy to the parent/guardian of all identified students with allergies.
2. By November 1, 2016, the District will submit a list of students by initials or other code identified in Term II(2), above. For each identified student, the District shall also provide documentation demonstrating that the District complied with Section 504.

III. Training

1. By October 15, 2016, or at a later agreed-upon date if OCR has not approved final revisions to the District's Allergy Procedure, the District shall conduct a training for all nurses, Section 504 school coordinators, and other appropriate personnel who may participate in the referral of students pursuant to the Allergy Procedure. The purpose of this training shall be to review the District's revised Allergy Procedure and to clarify the District's Section 504 obligations to evaluate any student who, because of disability, needs or is believed to need regular or special education and/or related aids and services.
2. Future Section 504 trainings on the identification, evaluation, and placement of students with qualifying disabilities shall include review of the Section 504 provisions of the Allergy Procedure.

Reporting Requirement for Term III

1. The District shall provide to OCR a copy of this training, along with a list of participants (by name and title) who attended the Allergy Procedure training, within 30 days of completion.

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The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504 and Title II, which were at issue in this case. 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 this 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 of this agreement and is in compliance with the regulation implementing Section 504 and Title II, which were at issue in this case.

The District also 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.

Executed this 14th day of July, 2016.

/s/ Debra L. Dunn _____

Dr. Debra L. Dunn, Superintendent