

RESOLUTION AGREEMENT

Park City School District OCR Case Number 08-16-1016

In order to resolve the allegation in case number 08-16-1016, filed against the Park City School District opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR), the District agrees to implement this Resolution Agreement. This case was initiated pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), and its implementing regulation at 34 C.F.R. §§ 104.4, 104.33, 104.35, 104.37, and 104.61 and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. § 35.130.

1. Policies and Procedures: The District will submit for review and approval a Board policy and/or District administrative procedure (hereafter “policy”) for ensuring students who require nurse health care as part of their Section 504 Plans are able to receive the care as their plan requires. The policy should address how the District will ensure a nurse is available at the students’ schools (to the extent a nurse is required to perform non-delegable nursing tasks) consistent with the students’ Section 504 Plan needs, the procedure for arranging a substitute nurse, and how the District will facilitate students’ participation in District programs, including field trips.

REPORTING REQUIREMENTS:

- By May 30, 2016, the District will submit to OCR for review and approval the District’s draft policy.
 - Within 60 days of OCR’s approval of the policy, the District will adopt the approved policy¹ and provide the policy to the District’s parents and students. The notice may be provided by placing information regarding the policy in school newsletters, email, and the District’s website with links to the policy posted on its website.
 - Within 60 days of OCR’s approval of the policy, the District will provide OCR with supporting documentation to show the approved policy is adopted and notice has been provided. Supporting documentation will include 1) web links to where the policy is posted on its website, 2) copies of school newsletters, or 3) other similar documents notifying parents of the changes to the District’s policies and procedures.
2. Policies and Procedures: The District will submit for review and approval a policy for how students with nurse care in their Section 504 Plans will receive nurse care services during field trips; stating that students with disabilities will not be excluded from field trips and will be provided with the nursing care accommodations in their Section 504 Plans during the field trips.

REPORTING REQUIREMENTS:

¹ In the event the Board is unable to adopt any of the approved policies in this Agreement, the District will advise OCR and seek approval for requested changes.

- By May 30, 2016, the District will submit to OCR for review and approval the District's draft policy.
 - Within 60 days of OCR's approval of the policy, the District will adopt the approved policy and provide the policy to District parents and students. The notice must explicitly state that parents are not required to attend field trips and that students will receive all accommodations required nursing care during the field trip. The notice may be provided by placing information regarding the policy in school newsletters, email, and the District's website with links to the policy posted on its website.
 - Within 60 days of OCR's approval of the policy, the District will provide OCR with supporting documentation to show the approved policy is adopted and notice was provided. Supporting documentation will include 1) web links to where the policy is posted on its website, 2) copies of school newsletters, or 3) other similar documents notifying parents of the changes to the District's policies and procedures.
3. The District will ensure that the new policies in items 1 and 2 are disseminated to all staff in the District. The District will review the new policy and procedures at one or more staff meeting at each of its schools within 60 days of OCR's approval.

REPORTING REQUIREMENTS:

- Within 60 days of OCR's approval of the policies and procedures, the District will provide OCR with a description of how the new policies and procedures were disseminated to staff members, documenting that the policies have been reviewed in a staff meeting at each school.
4. The District will identify and annually train the staff members at the School who are responsible for implementing students' Section 504 Plans. The training will include the evaluation and placement of students with disabilities, development of Section 504 Plans, and the provision of accommodations for students with disabilities. The training will also review the two policies required in items 1 and 2.

REPORTING REQUIREMENTS:

- Within 60 days of OCR's approval of the policies and procedures, the District will provide OCR with a copy of the training agenda and materials for the training and identify the trainer and her/his qualifications to provide the training, for OCR's review and approval
 - Within 60 days of OCR's approval of the trainer and training materials, the District will provide OCR with a copy of all handouts provided during or before the training, a list of all School administrators and staff identified to receive the training, and a sign-in sheet for those attending the training.
5. The District will reimburse the Complainant for mileage and missed work time for each time the Complainant was called to the School to provide the Student insulin during the 2015-16 school year and for expenses and missed work time she incurred in order to attend the XXXX field trip XXXX.

REPORTING REQUIREMENTS:

- By May 30, 2016, the District will contact and reimburse the Complainant as follows:
 - the District will request information on the dates and number of times she went to school to give the Student insulin and will reimburse for 1 mile each trip and will pay the Complainant for four hours of missed work at \$XXXX.
 - upon receipt of the information regarding the number of trips to provide insulin from the Complainant, the District will send the Complainant for reimbursement for all miles at the rate of XXXX cents per mile and \$XXXX for missed work.
 - In the May 30, 2016 report, the District will provide OCR with a copy of the letter it sends to the Complainant requesting the number of trips to the school to give insulin, a copy of any response, a copy of the accounting demonstrating how the reimbursement amount provided to the Complainant was calculated, and documentation that the District provided the Complainant the reimbursement.
6. The District will schedule and hold a Section 504 Plan meeting for the Student. The meeting will include a group of persons knowledgeable about the Student (including the Complainant), and the group will review and revise the Student's Section 504 Plan if necessary. The team will consider specifically addressing the Student's needs regarding school health care services related to the Student's disability so that the District ensures that the Student has full participation in the District's program during the school day and the District's afterschool program, including at field trips.

REPORTING REQUIREMENTS:

- By May 30, 2016, the District will convene a Section 504 team meeting and provide copies of all notes and documentation of the meeting to demonstrate the meeting per Agreement Term 6. The documentation should also demonstrate what actions the District is taking as a result of the Section 504 meeting and include a copy of the Student's revised Section 504 Plan if revised.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 of the Rehabilitation Act of 1973 at 34 C.F.R. §§ 104.4, 104.33, 104.35, 104.37, & 104.61 and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. § 35.130, which were at issue in this case. Upon determining that the District has achieved full compliance with the terms of this Agreement, OCR will conclude its monitoring and will notify the District that it is closing this case and terminating this Agreement. The termination of this Agreement will not change or alter the District's obligations to comply with all applicable laws and regulations.

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.

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 the Agreement, if necessary, OCR may visit the District, interview District employees 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 of the Rehabilitation Act of 1973 at 34 C.F.R. §§ 104.4, 104.33, 104.35, 104.37, & 104.61 and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. § 35.130, which were at issue in this case.

For Park City School District:

/s/

Tom VanGorder
Associate Superintendent

4/13/2016

Date