

RESOLUTION AGREEMENT
Union County Public Schools
Complaint No. 11-13-1324

Union County Public Schools (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve the above-referenced complaint, which was filed on behalf of a particular student (who has a peanut and tree-nut allergy, or PTA) and to resolve compliance concerns regarding all other students with food allergies (including those with PTAs) who attend the District's XXXX Elementary School (the School).

GENERAL PROVISIONS

1. This Agreement does not constitute an admission by the District of any 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.
2. Full implementation of this Agreement by the District resolves the allegations in, and OCR's compliance concerns regarding, the above-referenced complaint.

SUBSTANTIVE PROVISIONS

3. By February 28, 2014, the District will submit, for OCR approval, a Section 504 Plan for each School student with a food allergy for whom such a Plan is required by Section 504 or Title II, and all District and School policies, procedures, and practices to be established or amended pursuant to this Agreement. Each Section 504 Plan will incorporate by reference the student's Individual Health Plan (IHP), which IHP must be consistent with the treating physician's medical orders. The Section 504 Plan for each student will provide all aids and services that are required by Section 504 and Title II. With regard to the evaluation for and establishment of each Section 504 Plan, the District will: draw upon a variety of sources in evaluating the student; document and carefully consider the information obtained from all sources, including all available medical information regarding the student's food allergies, the nature and severity of the student's food allergies, and the types of exposure that can result in the student having a food allergy-related reaction (e.g., whether such reactions are most likely to occur due to ingestion or topical or airborne exposure); and ensure that the Plan is developed by a group of individuals knowledgeable about the student, food allergies, and the School's programs. Each Section 504 Plan will include either the following elements or references to the District and/or School policies, procedures, and/or practices that contain these elements.

- a. Adequate policies, procedures, and practices governing food allergy risk management in each type of School program and activity, including the student's classroom and common use rooms (e.g., the cafeteria, library, computer labs, gymnasium, and art and music rooms), and during recess periods, bus transportation, field trips, and extracurricular, School-sponsored activities.
 - b. Sufficient emergency response policies, procedures, and practices covering all School programs and activities to address instances in which the student is suspected of having a food allergy-related reaction. These procedures will address the proper handling and administration of epinephrine in the event of an anaphylactic or other serious allergy-related reaction, and will identify the staff responsible for emergency responses.
 - c. A requirement that all District staff (including substitutes) responsible for the immediate custodial supervision or care of the student will receive adequate, periodic training on food allergies and the implementation of the student's Plan. Also when, how often, for how long, and by whom the training will be conducted, and the content of the training.
 - d. A requirement that at least one staff person who is adequately trained in food allergies to recognize the signs and symptoms of anaphylaxis, and who can administer epinephrine consistent with applicable policies, procedures, and practices, be at the School during all regular school hours and at all School-sponsored activities attended by the student.
 - e. The food allergy-related responsibilities of staff, parents, and students in all School programs and activities, and an effective process for communicating their food allergy-related responsibilities to them.
4. The District will, within three weeks of its receipt of the OCR approvals referenced in Provision 3: (a) finalize and implement all of the Section 504 Plans for School students with food allergies; (b) adopt and publish all policies, procedures, and practices established or amended pursuant to this Agreement; (c) notify appropriate staff of all Section 504 Plans for School students with food allergies; and (d) notify all School staff, parents, and students of the policies, procedures, and practices established or amended pursuant to this Agreement.
 5. The District will maintain such documentation of the above commitments as is needed to demonstrate that it has fulfilled those commitments.

REPORTING PROVISIONS

6. Within six weeks of the OCR approvals referenced in Provision 3, above, the District will provide OCR with: (a) signed copies of all of the Section 504 Plans for School students with food allergies; (b) copies of and Internet links to all policies, procedures, and practices established or amended pursuant to this Agreement; and (c) one sample copy each of the above-referenced notification of policies, procedures, and practices sent to a School staff person, parent, and student.
7. If the District is unable to meet any of the timeframes in this Agreement, it will, within the timeframes set out in this Agreement, provide OCR with a written explanation of why timely compliance was not achieved and a timetable for achieving compliance.
8. The District understands that:
 - a. OCR will not close the monitoring of this Agreement until it determines that the District has fulfilled all of its terms and is in compliance with Section 504 and Title II with respect to the issues addressed in this Agreement;
 - b. During the monitoring of this Agreement, OCR may visit the District, interview staff and students, and request such additional reports and data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with Section 504 and Title II with respect to the issues addressed in this Agreement; and
 - c. OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement, but before initiating such proceedings, OCR will give the District written notice of the alleged breach and a minimum of sixty (60) calendar days within which to cure it.

APPROVAL

By: _____ /s/ _____
Mary Ellis, Superintendent
Union County Public Schools

_____ 1/15/2014
Date