

116 LRP 26077

**Park City (UT) School District
Office for Civil Rights, Western Division,
Denver (Utah)**

08-16-1016

08-16-1094

April 13, 2016

Related Index Numbers

405.028 Diabetes

10.028 Diabetes

325.009 Field Trips

405.035 Elements of Discriminatory Action

405.015 Athletics/Extracurricular Activities

Judge / Administrative Officer

**Angela Martinez-Gonzalez, Supervisory General
Attorney**

Ruling

A Utah district violated Section 504 by having the parents of students with diabetes attend field trips to give the students insulin shots. To resolve the allegations, the district developed a new policy for field trips, began to hire substitute nurses to attend the trips, and agreed to submit its new policy to OCR for approval.

Meaning

Districts violate Section 504 when they explicitly require parents to attend field trips as a condition of their child's participation. A general practice of asking parents to attend trips to provide accommodations while having no alternative plan in place can create the same liability. This district didn't have a written policy requiring parents of students with diabetes to attend field trips, but it usually asked them to attend in case their child needed insulin. At those times, the district had no back-up plan for how the students' 504 plans would be implemented during the trips, other than the parents' attendance.

Case Summary

While a Utah district may not have explicitly

required parents of students with diabetes to attend field trips so their children could receive insulin shots, it clearly expected them to do so. Noting that the district didn't ask parents of nondisabled students to attend field trips, OCR concluded that the district subjected students with diabetes to different treatment based on their disabilities. The investigation arose out of an OCR complaint filed by the mother of a kindergartner with diabetes who stated that the child's teacher texted her the morning of a field trip to a grocery store to ask her to attend. The parent alleged that the district treated the student differently than nondisabled students because she had diabetes. To determine whether a district has violated Section 504 by subjecting a student to different treatment, OCR reviews: the action the district took concerning the student; whether the district followed its policies for taking such action; and whether similarly situated nondisabled individuals were treated differently. OCR pointed out that while no one told the parent she had to attend, the district had no alternative plan for implementing the child's accommodations during the trip. As to the district's policies, OCR noted that the district had no written policy or procedure requiring parents of students with diabetes to attend field trips. However, staff members indicated that they generally asked parents of students with diabetes to participate and that some students may have missed trips when parents couldn't do so. "There is a general expectation that parents of students with diabetes will attend each scheduled field trip in order to implement that student's educational plans regarding insulin," OCR wrote. OCR noted that similarly situated parents of nondisabled students weren't asked to attend. Finally, OCR observed that the district's explanation that it only asked parents to attend when a nurse was unavailable wasn't a legitimate reason for the different treatment.

Full Text

Dear Dr. Conley:

On November 19, 2015, we opened for investigation a complaint to determine whether the

District failed to implement the Student's accommodation plan at Parley's Park Elementary School regarding her insulin since the start of the school year and whether the District treated the Student differently based on her disability when the Complainant was required to attend field trips in order for the Student to participate.

On January 15, 2016, we opened a second case for investigation to determine whether the District retaliated against the Complainant for her filing a complaint with this Office by cancelling a fieldtrip at the Student's afterschool program on December 16, 2015.

We initiated an investigation under the authority of Section 504 and its implementing regulation, at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability, in programs or activities that receive Federal financial assistance from the Department and, respectively, public entities. Individuals filing a complaint, participating in an investigation, or asserting a right under Section 504 and Title II are protected from intimidation or retaliation by 34 C.F.R. § 104.61, which incorporates 34 C.F.R. § 100.7(e), and 28 C.F.R. § 35.134. As a recipient of Federal financial assistance and a public entity, the District is subject to these laws and regulations.

During the investigation, we carefully reviewed documentation provided by the District and Complainant. We interviewed the Complainant and relevant District staff.

The Student is a person with a disability and has received services from the District prior to this school year in the District's preschool program. During the 2015-16 school year (SY), the Student attended the District's morning Kindergarten class and afternoon [] class. []. The Student was to receive accommodations according to her 504 Plan throughout the day in both programs.

Factual findings -- failure to implement

allegation

While in the preschool program, a Section 504 meeting was held in May 2015 to discuss changes to the Student's Section 504 Plan for kindergarten the following school year. Following this meeting and prior to the start of the SY 2015-16, the Principal decided to assign the Student to a different kindergarten teacher, so another meeting was held in August. In attendance at the August meeting were the Principal, Kindergarten Teacher, both parents, and the Nurse. While some participants, including the parents and several District staff members, thought the meeting was a Section 504 meeting, no Section 504 Plan was produced from the meeting. It appears the purpose of the meeting was to have the parents discuss the Student's needs and familiarize people with the Student's equipment for diabetes management.

Following the meeting, the Complainant was concerned with the Student's Section 504 Plan and started emailing the School staff about her concerns. The Counselor responded and suggested a Section 504 meeting. A meeting was held on September 21, 2015. In attendance were the Kindergarten Teacher, both parents, the Nurse, the [] Teacher, a [] Aide, and the Counselor. A 504 Plan was created at this meeting and contained seven accommodations. In early October, the Complainant contacted the Counselor and notified her that she was unhappy with the 504 Plan created on September 21, 2015. She requested changes in language and two additional accommodations. Without a meeting, the Counselor created another 504 Plan on October 8, 2015. Before completing the revisions, the Complainant emailed the 504 team and requested an additional accommodation. An email chain demonstrates that all members of the 504 Team agreed to add a tenth accommodation. Consequently, the ten item 504 Plan, which was back-dated to September 21, 2015, was put in place. The Counselor stated she provided the new ten item plan to all of the Student's teachers. The [] staff stated that the Counselor brought them the new plan, and they signed a new signature page with an

October date. The October signature page has not been provided by the District even though it was requested by OCR during the site visit. Although the Counselor states she provided the ten item 504 Plan to all the teachers, two of the Special Education Teachers only received the seven item 504 Plan. The Nurse, Counselor, Kindergarten Teacher, [] staff, and the Complainant all stated that the ten item 504 Plan is the plan that was supposed to be implemented.

The majority of the 504 Team stated that the ten item 504 Plan was the one to be implemented, therefore, we reviewed the implementation of the ten item 504 Plan. Specifically, the accommodations at issue in this complaint are items number 2 and 6 of the 504 Plan. Those provisions state:

2. A back up staff person, [School Aide] will also be given this training by 9/22/15. [School Aide] will be paged in an emergency to assist.

6. If teachers check in between pre-identified times and [the Student]'s numbers are high or low they will follow the classroom flow-chart for food, and call nurse for insulin, call parents for extreme highs or lows.

Analysis -- failure to implement allegation

We reviewed whether the District failed to implement the Student's accommodation plan regarding her insulin since the start of the 2015-16 school year. To determine if the District failed to implement the Student's 504 Plan, we determine whether the Student is a person with a disability, whether the Student has a 504 Plan, what accommodations are in the Student 504 Plan, and whether the accommodations were implemented.

We determined that the Student is a person with a disability: diabetes. The District has had a 504 Plan for the Student since she was in pre-school.

We first reviewed the development of the Student's 504 Plan for SY 2015-16. While a 504 Plan was drafted as a result of the 504 team meeting on September 21, 2015, the 504 Plan was altered without an additional meeting. The Complainant states that the modifications were requested because the seven

item 504 Plan did not accurately reflect what was decided at the September 21, 2015 meeting. We did not find any evidence to support the Complainant's statement. As a result of the Complainant's requested changes, the Counselor developed a new 504 Plan was created with nine items on October 8, 2015. A tenth item was subsequently added by the 504 Team via email. Consequently, the ten item 504 Plan was created without the 504 Team providing input on two items and modified language of seven items. Additionally, although the Counselor reports that she brought the ten item 504 Plan to all of the Student's teachers and had them sign the signature page, we found at least two teachers that did not receive the ten item 504 Plan. The District did not provide the signature page that several District staff members stated that they signed in October. The Section 504 regulation requires that "the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options." The regulations states that the placement decision is to be made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options, 34 C.F.R. § 104.35(c)(3). We find District did not develop the ten item 504 Plan with a group of persons knowledgeable when the Counselor and the Complainant modified the seven item 504 Plan into the nine items.

Additionally, Section 504 applies the procedural requirements, requiring maintenance of records in 34 C.F.R. § 104.61 as it incorporates 34 C.F.R. § 100.6(b). Title VI regulation at 34 C.F.R. § 100.6(b) requires recipients to maintain such records and submit for our review complete and accurate compliance reports in such form and containing such information as may be necessary to allow OCR to ascertain whether the recipient has complied or is complying with Title VI. The District did not maintain records regarding the development of the 504 Plan in violation of the procedural requirements in 34 C.F.R. § 104.61.

Although the District did not develop the 504 Plan in accordance with the requirements, the 504 team members that attended the September 21, 2015 504 meeting all agreed in our interviews that the ten item 504 Plan are the accommodations staff were to be implemented. The Complainant alleges that the District called her to go to the school to give the Student insulin several times during the fall semester and then again on February 22, 2016. The Section 504 Plan states that the Nurse is to give the Student insulin when indicated by the Student's numbers in accordance with item 6 in the Student's 504 Plan. The Student's Kindergarten Teacher and [] Aide confirm that the Complainant was called to give the Student insulin between twelve and sixteen times during the fall semester when the Nurse was not available. OCR learned that the Nurse was not scheduled to start her work day until an hour and half after the start of the school day and not scheduled to work on Fridays during the fall semester. The calls to the complainant to come to School and give insulin occurred during the time the Nurse was not scheduled to be working.

The District expanded the Nurse's schedule to include the entire school day starting in January, making it unnecessary for the Complainant to come to school and to give the Student insulin during the school day. However, the Nurse was out sick on February 22, 2016, and the District did not schedule a substitute nurse. The District called the Complainant to give the Student insulin on that date. We find that the District was not implementing the Student's 504 Plan with respect to the provision regarding the Student's insulin.

Additionally, OCR found that a staff member identified in Item 2 could not implement the Section 504 Plan because she did not know she was in the 504 Plan and was not familiar with the needs of the Student.

OCR finds that the District failed to implement the Student's 504 Plan in violation of 34 C.F.R. § 104.33; failed to develop the ten item 504 Plan with a group of persons knowledgeable about the Student in violation of 34 C.F.R. § 104.35; and failed to

maintain records in violation of 34 C.F.R. § 104.61. The District entered into a Resolution Agreement to resolve these concerns.

Factual findings -- different treatment field trips

The Complainant alleged that she was required to attend field trips to provide her daughter accommodations since a nurse was not available. The District does not have a written policy requiring parents to attend field trips. During SY 2015-16, the Student's [] class attended one field trip. The field trip was scheduled for the first day that the Student's family returned from a vacation. The [] Teacher texted the Complainant on the morning of the field trip and asked if the Complainant could attend and to obtain a signed permission slip. The field trip was to [] grocery store and the students were going to sample food in each department. In order for the Student to participate, she may need insulin because the consumption of food was involved. The Complainant told the [] Teacher that she had a doctor's appointment, but would see if she could attend. The [] Teacher had no other plan for the Student to receive insulin during the field trip and had not considered a nurse to attend. The Complainant rearranged her schedule and met the class at [] grocery store so the Student could participate. A second field trip was scheduled in December but was cancelled.¹

Analysis -- different treatment field trips

We reviewed whether the District treated the Student differently when it required the Complainant to attend a field trip to provide services in the Student's Section 504 Plan. To determine whether the District treated the Student differently based on her disability, OCR reviews what action the District took against the alleged injured party, whether the District followed its policies and procedures for taking such action, and whether similarly situated non-disabled individuals were treated differently. If the alleged injured party was treated differently, we determine whether the recipient has a legitimate, non-discriminatory reason for the different treatment

and, if so, whether the stated reason is a pretext for discrimination.

The Complainant alleged that parents of students with diabetes are required to attend field trips with their students or else the students are not able to participate. We first determined what action the recipient took against the alleged injured party. We found that for the first field trip, the [] staff asked the Complainant to attend and the Complainant rearranged her schedule so that she could attend. The [] staff had no other alternatives for implementing the Student's 504 Plan during the field trip other than having the Complainant attend in order to give the Student insulin as necessary. For the second field trip, the Complainant was also asked to attend, and again the [] staff were relying upon the Complainant to provide insulin to the Student during the field trip. While no District staff told the Complainant she was required to attend the field trip in order for the Student to participate, the Complainant was asked to attend the field trip and the District had no other plans for implementing the Student's 504 Plan regarding delivery of insulin during the field trip.

Next, we determined whether the District followed its policies and procedures for taking such action. The District has no written policies or procedures regarding parents of students with diabetes needing to attend field trips. Several District staff reported that when they previously had students with diabetes in their classes, they would call the parent to see if the parent wanted to attend any field trip and that the parents have generally attended. District staff also relayed stories that in the past, students with diabetes may have stayed at school in the nurse's office if their parent could not attend the field trip and that some parents have expressed frustration with being asked to attend all field trips. District staff also stated that parents of students with disabilities that are not diabetic are not called to attend field trips, and typically the regularly assigned aide or the teacher is able to accommodate those students. However, the teachers cannot give insulin, so teachers could not accommodate students with diabetes during field

trips. While there is no written policy or procedure, we find that there is an expectation that parents of students with diabetes will attend each scheduled field trips in order to implement that student's educational plans regarding insulin during the field trip.

We looked at whether similarly situated parents of non-disabled, non-diabetic individuals were treated differently. We found that only parents of students with diabetes are called to see if they will attend field trips. We also found that all parents are welcome to attend field trips, however, no other parents attended the [] field trip.

Finally, since the parents of students with diabetes are treated differently, we determine whether the District has a legitimate, non-discriminatory reason for the different treatment and, if so, whether the stated reason is a pretext for discrimination. The District states that there is no policy that parents of students with diabetes are required to attend field trips, that the Complainant was called because the Student did not have a signed permission slip, and that the [] staff wanted to make sure the Student could receive insulin if she needed it during the field trip. The Complainant stated to OCR that she does what she can to ensure that she can attend field trips because she does want the Student to be included in field trips and wants the Student to be safe during field trips. The District's rationale that they wanted to make sure the Student received insulin when the nurse could not attend a field trip reflects a certain, practical logic. However, as a legal matter, this rationale is not a legitimate, non-discriminatory reason since it relies on the Complainant to provide the Student's Section 504 accommodations, which is ultimately a legal responsibility of the District. Therefore, we find the District is treating the Complainant and other parents of students with diabetes differently because it is expected that they will attend field trips to provide their students insulin.

Upon learning of the complaint, the District began to take action to ensure that parents will not have to attend field trips to provide students insulin. The District developed a policy for field trips that

requires principals to check with their school nurse to see if a student needs a nurse during a field trip. The District also began to hire substitute nurses to provide services in field trips and when nurses are sick.

We find that the District treats students with diabetes differently because parents are expected to attend field trips to provide accommodations in violation of 34 C.F.R. § 104.37. The District entered into a Resolution Agreement to resolve these concerns.

Factual findings -- alleged retaliation

During the 2015-16 school year (SY), the Student attended the District's morning Kindergarten class and afternoon [] class. The Student was to receive accommodations according to her 504 Plan throughout the day in both programs.

The Complainant filed her first complaint (08-16-1016) with OCR on October 16, 2015. We notified the District we were accepting two allegations for investigation on November 19, 2015. Upon receipt of the notification letters, the District contacted OCR. During the conversation, the District requested information regarding parents attending field trips. OCR conveyed to the District that they must implement students' educational plans while on field trips. If a student receives a service while at school, then that service must be provided by the District and not by a parent during the field trips. The District Representative (Associate Superintendent) stated that he will just cancel all field trips. OCR informed the District about the regulatory prohibition against retaliation and that such a broad action could be perceived as retaliatory.

In December 2015, the [] programs were asked to complete a service project. The [] decided to collect pet toys and make pet treats for the company []. During the service project, the Complainant was at the School helping the [] staff, and they discussed that it would be fun for the students to deliver the collected items. The Complainant shared with them the days she would be able to attend. [] staff scheduled a field trip to deliver the items on

December 16, 2015. On December 15, 2015, the Community Education Director learned of the field trip and asked the [] Teacher if she remembered the conversation about not having a field trip without a nurse and asked if a nurse was arranged. The [] Teacher responded that she had not arranged a nurse because the Complainant was attending. The [] Teacher was instructed to request a nurse, and so she contacted the Associate Superintendent. The Associate Superintendent informed them that there was not sufficient time to schedule a nurse and instructed the [] staff to cancel the field trip.

[]

Analysis -- alleged retaliation

The Complainant asserts that this field trip was cancelled in retaliation for her first OCR complaint.

The District admits it lied to parents about why the field trip was cancelled, but that it did so in order to protect the Student's identity. The Associate Superintendent stated the field trip was cancelled because of the District's understanding that it was required to secure the needed medical personnel to attend the field trip with the Student and not rely upon the Complainant to implement the Student's 504 Plan. The District states that unfortunately, the [] teacher misunderstood the Community Education Director's earlier directive that all field trips were to be put on hold, even if the parent was able to attend, or did not realize that a nurse could only be secured with more than 24 hours of advance notice. Further, the District states that as a result, it appeared that the better option was to cancel the trip in its entirety, then to possibly fail to comply with Section 504. The District states that in no way was the District's intention behind the cancellation retaliation; rather, the intention was to avoid any further violations of the District's Section 504 obligations as explained to it by OCR.

Under the implementing regulation, recipients are prohibited from retaliating against any individual for the purpose of interfering with any right or privilege protected by Section 504 and Title II. In analyzing a retaliation claim, we determine whether:

the individual engaged in an activity protected by Section 504 and Title II of which the recipient had knowledge; the recipient took an adverse action against the individual; a causal connection existed between the protected activity and the adverse action; and, the recipient has a legitimate, non-retaliatory, non-pretextual reason for its action.

The Complainant participated in an activity protected by the Section 504 and Title II of the ADA when she filed her first complaint alleging disability discrimination against the District. The District had knowledge of the complaint on November 19, 2015, when OCR sent notification letters with the two accepted allegations. On December 16, 2015, the District cancelled a field trip the Student was scheduled to attend. Given the proximity in time between the notification of the first complaint and the cancellation of the field trip, a causal connection can be inferred.²

Next, we determined whether the District has a legitimate, non-retaliatory, non-pretextual reason for canceling the field trip. The District's reason provided to OCR for canceling the field trip was that they did not have a nurse available to provide the Student with services as required by her Section 504 Plan. The District told parents the field trip was canceled because the [] representative was not available. []. The District states that the need for a nurse to attend to provide the Student services is the real reason for the cancellation.

The Complainant and several District staff members state that the District's stated reason is not really the reason why the field trip was canceled. While OCR found some facts suggesting that the cancellation of the field trip may have been motivated in part by retaliation against the Complainant, the fact remains that had the District proceeded with the field trip without a nurse present, the District was on notice that they would be in further violation of Section 504 of the Rehabilitation Act. The field trip was almost a month after OCR notified the District of the OCR Case 08-16-1016 and had a discussion with the Associate Superintendent about the requirements of

Section 504 and implementation of students' educational plans during field trips. While the stated reason for the cancelation of the field trip was not true, we find it reasonable, if not laudable, that the District ultimately was taking steps to comply with Section 504. Correspondingly, we find insufficient evidence that the District's stated reason was pretext for discrimination. Therefore, we find the District did not retaliate as alleged.

Conclusion

For the reasons explained, we determined that the evidence is sufficient to conclude that the District discriminated against the Student on the basis of disability with respect to the first two allegations. We found that there was insufficient evidence to establish that the District retaliated as alleged. The District agreed to voluntarily resolve the violations found in this investigation and entered into a Resolution Agreement, signed April 13, 2016. OCR will closely monitor the District's implementation of the Agreement to ensure that the commitments made are implemented timely and effectively and that the District's policies and practices are administered in a nondiscriminatory manner. Once fully implemented, the Resolution Agreement will ensure the District's compliance with the regulations as addressed in this complaint.

This letter addresses only the issues raised in this complaint and should not be interpreted as a determination of the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. The Complainant may have the right to file a private suit in federal court regardless of whether OCR finds a violation.

Please be advised that the District may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the individual may file another complaint alleging such treatment.

Under the Freedom of Information Act, it may

be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

We are committed to prompt and effective service. If you have any questions, please contact Ms. Heidi Kutcher at 303-844-4572 or by email at heidi.kutcher@ed.gov.

¹The Complainant filed a second complaint (OCR case number 08-16-1094), where she has alleged retaliation for cancelling this field trip. The investigation of that retaliation allegation is addressed below.

²OCR's investigation of the first allegation found that although there is no written policy requiring parental participation in field trips, but parents of students with diabetes are expected to attend field trips in order to provide their student insulin since teachers are not allowed to give student insulin. An agreement has been proposed to remedy the violation finding in 08-16-1016 regarding both allegations.

Resolution Agreement Park City School District

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:

- 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 [] field trip [].

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 \$[].

- 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 [] cents per mile and \$[] 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.

¹In 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.