

**COMMITMENT TO RESOLVE  
Henderson County Public Schools  
Complaint No. 11-00-1008**

**WHEREAS**, Student A, a minor child, has been diagnosed with Juvenile Diabetes (Type I), and is currently enrolled in the Henderson County Public Schools (the District) at \_\_\_\_\_ School in Henderson County, North Carolina;

**WHEREAS**, the Office of Civil Rights (OCR) is currently investigating Complaint No. 11-00-1008 (the Complaint) filed by Student A's parents against the Henderson County Public Schools (the District) for its failure to properly serve Student A as a child with a disability pursuant to Section 504 of the Rehabilitation Act of 1973, (Section 504), and the Americans with Disabilities Act of 1990; and

**WHEREAS**, the District and OCR desire to settle all outstanding issues related to the Complaint for the benefit of the minor child, Student A, through the voluntary agreement by the District to provide certain services described herein, and to maintain said services as needed for the duration of Student A's enrollment in the District.

**NOW THEREFORE**, the District does hereby agree to provide services to Student A as follows:

**I GENERAL PROVISIONS**

1. This Agreement does not constitute an admission by the District of any violation of Section 504, the Americans with Disabilities Act of 1990, or any other law enforced by OCR.
2. The District's agreement to fully implement the services described below resolves the allegations in the Complaint.
3. This Agreement shall remain confidential between the District and OCR; however, the terms contained herein shall be incorporated into the Section 504 Plan for Student A.
1. In the event that any term in this Agreement conflicts with Student A's Section 504 Plan, as revised from time to time, the Section 504 Plan shall control.

## II CLASSROOM STAFF AND SCHOOL-WIDE TRAINING

- A. **Staff and Faculty Training.** At or near the beginning of each and every school year (including summer sessions if applicable), the District will provide training from a registered nurse, and if possible a Certified Diabetic Educator, to the entire faculty and staff of Student A's school. This program shall include an overview of diabetes and specific information on how to recognizing signs and symptoms of diabetes in children. Participants will be trained in general management practices performed in a school environment to enable children with diabetes to attend school. Participants will be trained to recognize the symptoms of hypoglycemia and hyperglycemia and other emergency procedures outlined in Student A's Section 504 Plan.
  
2. **In-School Care Providers.** At the beginning of each and every school year (including summer sessions if applicable), the District will provide training from a registered nurse, and if possible a Certified Diabetic Educator, to all classroom personnel who have direct supervision over Student A, including field trips. This program will focus on Student A's Section 504 Plan, her glucometer and managing her insulin pump. All personnel will be instructed on how to count carbohydrates, monitor Student A's blood glucose properly, how to provide a safe and appropriate school environment for Student A, and to how to perform tasks necessary for management of Student A's diabetes and insulin pump on a day to day basis. The contents of the emergency pack which accompanies Sarah pursuant to her Section 504 Plan shall be fully demonstrated and discussed. Each program participant shall be required to demonstrate a working knowledge of the purpose and function of each item in the emergency pack, as well as, the circumstances requiring 911 assistance.
  
3. **Direct Diabetes Care Providers.** At all times, there shall be no less than three full-time staff of Student A's school trained in the use of Student A's insulin pump. At least one person who is trained to operate Student A's pump without assistance will be on school premises at all times and will accompany Student A on school-sponsored events off campus. This training shall include blood glucose monitoring procedures and schedules, as well as, responses to various blood glucose levels as described in Student A's Section 504 Plan. The training shall include insulin bolus using the insulin pump for specific ranges of glucose levels; food amounts and carbohydrate counting for lunch, snacks and snacks needed to address low blood glucose levels; and administration of emergency procedures as

outlined in Student A's 504 Plan, including administration of juice, glucose tube, Glucagon injections, etc. This training will be conducted by a registered nurse, and if possible a Certified Diabetic Educator, and School and County personnel who have completed the AAdvanced Insulin Pump Programming and Practices course or other relevant program offered by the pump's manufacturer, Disetronic Medical Systems. The Disetronic's training will include instruction in the daily operation of the pump including changing, securing and priming the pump site and tubing. In addition, Henderson County nurses who have received the Disetronic's training will remain on Aon-call status as needed.

4. **Level of Training to Direct Diabetes Care Providers.** All training provided to Direct Diabetes Care Providers shall meet or exceed the recommendations for *ACare of Children with Diabetes in the School and Day Care Setting* as published by the American Diabetes Association. (Diabetes Care, Vol. 23, Supplement 1, January 2000).

### III CONTINUITY OF SERVICES

1. **In-Class Orientation for Future Direct Diabetes Care Providers.** Prior to the end of each school year, District personnel likely to have direct supervision over Student A for the next school year shall be identified. These persons shall spend a minimum of one week in Student A's current class with the faculty and staff members described in Paragraph II. C., above. In addition, past Direct Diabetes Care Providers shall remain available to current providers as consultants.
2. **Consultation with Health Professionals.** The District will consult with Student A's primary care physician regarding any change or proposed change to Student A's Section 504 Plan. In addition, the District shall use its best efforts to maintain a direct, consultative relationship with County Health Professionals including Registered Nurses designated as Certified Diabetic Educators. County professionals shall be available for training and consultation to District personnel, Student A's parents, and Student A in order to fulfill the terms of this Agreement and on an Aas needed basis. School nurses will also be available on a regular basis and for consultation by pager.

### IV IMPLEMENTATION AND COMPLIANCE

- A. **Implementation.** The District agrees to implement this agreement upon execution. Implementation shall include the scheduling of a Section 504 team meeting to amend Student A's Section 504 Plan to conform to this

Agreement. The Plan will reflect that the Student A's parents are not required to provide any direct services.

2. **Compliance.** It is expressly understood that this Agreement shall resolve the Complaint. Notwithstanding the foregoing, the District shall provide OCR with information, upon requests, regarding the names of personnel receiving the training described herein and dates of completion.
3. **Consultation with Student A's Parents.** The District will actively consult with Student A's parents through the Section 504 process and according to Student A's Section 504 Plan.
- D. Upon request from OCR, the District will provide the names, training, and qualifications of those school personnel providing services for Student A.

**WHEREFORE**, the District, by and through its Superintendent, intends to enter into this Agreement for the benefit of the minor child, Student A, therefore the Superintendent does hereby execute this Agreement, this the \_\_\_\_ **day of May, 2000.**

THE HENDERSON COUNTY BOARD OF PUBLIC EDUCATION

By: \_\_\_\_\_  
Dr. Tom Burnham, Superintendent

UNITED STATES DEPARTMENT OF EDUCATION, OFFICE OF CIVIL RIGHTS

By: \_\_\_\_\_