

AGREEMENT
LOUDOUN COUNTY PUBLIC SCHOOLS
Complaint Nos. 11-99-1003, 11-99-1064 and 11-99-1069

Loudoun County Public Schools (District) enters this Agreement to resolve Office for Civil Rights (OCR) Complaint Nos. 11-99-1003, 11-99-1064 and 11-99-1069.

A. 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, the Americans With Disabilities Act of 1990, or any other law enforced by OCR.
2. Full implementation of this Agreement by the District resolves the allegations in OCR Complaint Nos. 11-99-1003, 11-99-1064 and 11-99-1069.

B. DEFINITIONS

1. **Authorized Diabetes Care Provider (ADCP) training** -- training that is either developed by the American Diabetes Association (ADA) or, once the Board of Nursing develops Guidelines, training that is consistent with these Guidelines, either of which training provides instruction in caring for individuals with diabetes, and which includes instruction in: the unassisted administration of glucagon and insulin shots and recording of results; ability to understand physician instructions concerning drug dosage, frequency, and manner of administration; Virginia Board of Pharmacy regulations concerning drug storage, security and recordkeeping; symptoms of hypoglycemia and hyperglycemia, the time within which glucagon or insulin shots are to be administered to prevent adverse consequences; performing fingerstick blood glucose testing and monitoring and recording the results of that testing and monitoring, and the appropriate steps to take when glucose level results are outside of the target ranges indicated in the student's Health Care Plan.
2. **Adequate diabetes care** -- care of students with diabetes by individuals who have successfully completed ADCP training.
3. **Authorized Diabetes Care Provider (ADCP)** – an individual who has successfully completed ADCP training.
4. **Assistive diabetes care** -- care of students with diabetes by individuals who have successfully completed DCAP training.
5. **Bus Driver Diabetes Care Provider (BDDCP) training** – training authorized by the District that provides instruction in: recognizing the symptoms indicating that

there is a need for care for a student with diabetes, symptoms of hypoglycemia and hyperglycemia, and appropriate steps to take when glucagon levels are creating emergency conditions as described in the student's physician's order.

6. ***Diabetes Care Assistant Provider (DCAP) training*** – training authorized by the District that provides instruction in: recognizing the symptoms that there is a need for adequate care for a student with diabetes, proper methods for referring students who require adequate care to an ADCP, recommended schedules and menus for meals and snacks, and recommended frequency of and activities in exercise periods.
7. ***Diabetes Care Assistant Provider (DCAP)*** – an individual who has successfully completed DCAP training.
8. ***Health Care Plan*** – a plan developed under Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans With Disabilities Act of 1990 (Title II) and, as appropriate, the Individuals With Disabilities Education Act that identifies the needs of -- and services to be provided to -- a student with diabetes who has a medical order, which plan is developed by the participants and approved by the student's treating physician.
9. ***Regular School Hours*** – All school hours during which scheduled school classes take place.

C. SUBSTANTIVE PROVISIONS

1. Effective immediately, the District will:
 - a. Designate at least three full-time ADCPs on staff in each school attended by one or more students with a Health Care Plan to provide these students with adequate diabetes care.
 - b. Designate additional ADCPs as needed to provide students with Health Care Plans with adequate diabetes care.
 - c. Provide an ADCP at each school attended by one or more students with a Health Care Plan during all regular school hours that a student with a Health Care Plan is on the premises.
 - d. Provide an ADCP for each school-sponsored field trip in which a student with a Health Care Plan participates.
 - e. Provide an ADCP for each school-sponsored extracurricular activity or program -- and for each educational extracurricular activity or program that receives significant assistance from the District -- in which a student with a

Health Care Plan is a direct participant, but not when that student is an observer or an audience member.

- f.* Complete BDDCP training for all District full- and part-time bus drivers, or provide an ADCP on board a District bus at any time that a student with a Health Care Plan is being transported on that bus and the bus driver has not completed BDDCP training.
 - g.* Provide or arrange for the provision of DCAP training for all District staff (except ADCPs) who have responsibility for the immediate custodial supervision or care of students with Health Care Plans.
 - h.* Maintain a location in each school attended by one or more students with a Health Care Plan to provide privacy during the care and testing of those students.
2. By October 31, 1999, the District will:
- a.* Complete the DCAP training referenced above in paragraph C.1.g.
 - b.* Send a letter to the parents of all District students with diabetes of which the District is aware notifying them of the District's current policies and practices on the care of students with diabetes who have a medical order.
 - c.* Develop and implement a Health Care Plan for each District student with diabetes who has a medical order when required by Section 504 or Title II. Each plan will provide those services required by Section 504 and Title II. For example, each plan will, when appropriate, permit the student to: see school ADCPs or medical personnel upon request; eat snacks or drink beverages to prevent hypoglycemia; miss school without consequences for appointments to monitor the student's diabetes management; be excused to use a restroom, as necessary. District staff may take into account any previous abuse of these permitted activities in determining whether to grant future requests.
3. The District will provide or arrange for the provision of ongoing ADCP and DCAP training to maintain an adequate staff of ADCPs and DCAPs.

D. REPORTING PROVISIONS

By January 1, 2000, the District will provide OCR with a report containing:

- 1.* A listing of each school at which ADCPs have been assigned and the number of ADCPs assigned to each school. If any school has yet to be assigned ADCPs, that school must be identified and an explanation of the reason no assignment has been made, together with the District's plans to make these assignments.

2. Descriptions of and all materials related to the provision of ADCP and DCAP training, and the names and titles of the individuals who provided the training.
3. A certification that the District has developed and implemented a Health Care Plan for every District student with diabetes that has a medical order or, if not, why not.
4. A sample of the letter the District sent to the parents of all District students with diabetes of which the District was aware pursuant to subsection C.2.b, above, and a certification that the District sent these letters to all of these parents or, if not, why not.

By: _____
Dr. Edgar Hartrick III
Superintendent
Loudoun County Public Schools

_____ Date