

RESOLUTION AGREEMENT
West Genesee Central School District
Case Number 02-14-1479

In order to resolve Case No. 02-14-1479, the West Genesee Central School District assures the U.S. Department of Education, New York Office for Civil Rights (OCR), that it will take the actions detailed below pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35.

Action Item 1:

By April 15, 2015, the District will develop a written policy requiring the review, with all appropriate staff (including bus drivers) by the last business day preceding the commencement of the school year, of the Emergency Care Plan (ECP) and/or the Diabetes Medical Management Plan (DMMP) of each student with a disability whose Section 504 Plan or Individualized Education Program (IEP) requires the review of such documents at the beginning of a school year.

Reporting Requirement:

- a) By April 15, 2015, the District will provide a copy of the policy to OCR for review and approval.
- b) Within 30 days of OCR's approval of the policy, the District will provide documentation to OCR demonstrating that it has formally adopted the policy; updated any relevant printed publications and/or on-line publications with the newly adopted policy (inserts may be used pending reprinting of these publications); and electronically disseminated the policy to staff. This documentation will include, at a minimum: (i) printouts or a link to all on-line publications containing the policy; (ii) evidence of the electronic dissemination of the policy to staff; and (iii) if not yet finalized, copies of inserts for printed publications.
- c) By June 30, 2015, the District will provide to OCR copies of the printed versions of any publications disseminated to staff containing the policy.

Action Item 2:

By April 15, 2015, the District will review, with all appropriate staff (including bus drivers), the ECP and/or the DMMP of each student with a disability (including the Student) whose Section 504 Plan or IEP for school year 2014-2015 required the review of such documents. This review will be in addition to any and all reviews relative to school year 2014-2015 conducted prior to the date of this agreement.

Reporting Requirement: By May 1, 2015, the District will provide documentation to OCR demonstrating that it has complied with Action Item 2; such as a log indicating the

name of the student, date of the review with appropriate staff, and the names of the staff members conducting the review and receiving the review.

Action Item 3:

By the last business day preceding the commencement of school year 2015-2016, the District will ensure that all appropriate staff (including bus drivers) have received copies of ECPs and DMMPs for each student with a disability whose Section 504 Plan or IEP for school year 2015-2016 require the review of such documents; and, that these documents are reviewed with these staff members. Any additional relevant staff that are newly assigned to one of these students after such date, will receive the appropriate review within ten (10) days of assignment.

Reporting Requirement:

- a) By September 15, 2015, the District will provide documentation to OCR demonstrating that it has complied with the portion of Action Item 3 related to the review conducted with appropriate staff by the last business day preceding the commencement of school year 2015-2016; such as a log indicating the name of the student, date of the review with appropriate staff, and the names of the staff members conducting the review and receiving the review.
- b) By June 15, 2016, the District will provide documentation to OCR demonstrating that it has complied with the portion of Action Item 3 related to the review conducted with additional relevant staff assigned to one of these students after the last business day preceding the commencement of school year 2015-2016; such as a log indicating the name of the student, date of the review with appropriate staff, and the names of the staff members conducting the review and receiving the review.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. § 104.33(a), and the ADA, at 28 C.F.R. § 35.130 (b)(1)(iii), which were at issue in this case. The District also 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 this agreement, if necessary, OCR may visit the District, interview staff 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 regulations implementing Section 504, at 34 C.F.R. § 104.33(a), and the ADA, at 28 C.F.R. § 35.130 (b)(1)(iii), which were at issue in this case. 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 proceeding 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.

3/3/2015

/s/

Date

[Authorized Official]

West Genesee Central School District