

RESOLUTION AGREEMENT
Corning-Painted Post Area School District
Case No. 02-17-1306

In order to resolve Case No. 02-17-1306, the Corning-Painted Post Area School District (the District) assures the U.S. Department of Education, 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, as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104 (Section 504), 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.

This Resolution Agreement has been entered into voluntarily by the District prior to OCR investigation and does not constitute an admission by the District that it is not in compliance with Section 504 and/or the ADA.

Action Item 1:

By August 31, 2017, the District will convene a meeting of a group of persons knowledgeable about the Student, such as the Section 504 team, to determine whether the Student requires remedial or compensatory services based on the alleged non-provision of services on his Section 504 plan during XXXXXXXXXXXX school year 2016-2017 when the Student attended the District's elementary school, including the following: XXXXXXXXXXXXXXXXXXXXXXXXXXXX. If the group of knowledgeable persons determines that the Student requires compensatory services, the group will develop a plan for providing those services, with a completion date for providing the services not to extend beyond December 31, 2017.

Reporting Requirements:

- a. By September 15, 2017, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting referenced in Action Item 1 above, including but not limited to an explanation for the decision made regarding remedial or compensatory services to the Student, and a copy of the plan for providing those services, if applicable.
- b. If the group of knowledgeable persons determines that the Student requires compensatory services, by January 30, 2018, the District will submit to OCR documentation that the compensatory services were provided consistent with the plan developed by the group of knowledgeable persons.

Action Item 2:

By August 31, 2017, the District will provide training on the Student's Section 504 plan and/or IEP to all District teachers, staff members and administrators working with the Student for school year 2017-2018. The training will include (a) the staff members' obligations under Section 504 to adhere to all items in the Student's Section 504 plan and/or IEP; and (b) for school year 2017-2018, the staff members' written acknowledgement that they have been provided with a copy of the

Section 504 plan and/or IEP and have reviewed all items in the Section 504 plan and/or IEP. Additionally, the District will provide a description and documentation of the Section 504 training in XXXX 2017 XXXXXXXXXXXXXXX for the teachers and staff members who worked with the Student for school year 2016-2017.

Reporting Requirement: By September 15, 2017, the District will provide documentation to OCR demonstrating that training was provided in accordance with Action Item 2 above, including the name, title and credentials of the individual conducting the training, the date(s) of the training, a list of all participants by name and title, copies of any training materials distributed and/or a description of the issues addressed during the training, and copies of the staff members’ written acknowledgements regarding the Student’s 504 plan and/or IEP.

The District understands that by signing this Agreement, it agrees to provide the foregoing 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. §§ 104.4(a) and (b)(1)(i), 104.33, and the ADA, at 28 C.F.R. § 35.130(a) and (b)(1)(iii). Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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 proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District’s representative below.

/s/
Michael K. Ginalski
Superintendent
Corning-Painted Post Area School District

Date

/s/
Timothy C.J. Blanchard
Regional Director
Office for Civil Rights

Date