



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

500 WEST MADISON ST., SUITE 1475
CHICAGO, IL 60661-4544

REGION V
ILLINOIS
INDIANA
IOWA
MINNESOTA
NORTH DAKOTA
WISCONSIN

March 17, 2014

Superintendent John Donellan
Fox Lake Grade School District #114
29067 West Grass Lake Road
Fox Lake, Illinois 60081

Re: 05131388

Dear Superintendent Donellan:

This is to advise you of the disposition of the above-referenced complaint that was filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR), on September 20, 2013, against the Fox Lake Grade School District #114 (District) alleging retaliation.

Specifically, the Complainant alleged that because she advocated on behalf of her son (Student A), a former student with a disability at the Stanton Middle School (School), the District retaliated against her as follows:

- 1) Since June 10, 2013, it has refused to allow the Complainant to include in Student A's educational file a dissenting opinion about a disputed document; and,
- 2) Since September 19, 2013, it has prohibited her from assisting at the School on behalf of another son (Student B).

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance. Title II prohibits discrimination on the basis of disability by public entities. Section 504 and Title II also prohibit retaliation. As a recipient of Federal financial assistance and a public entity, the District is subject to these laws.

In accordance with Section 302 of OCR's *Case Processing Manual* a complaint may be resolved at any time when, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint. Prior to the conclusion of OCR's investigation, the District requested to resolve the complaint. Subsequent discussions with the District resulted in the District signing the enclosed agreement (Agreement) which, when fully implemented, will resolve the issues raised in the complaint. The provisions of the Agreement are aligned with the complaint allegations and the information obtained during OCR's investigation and are consistent with the applicable regulations.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

OCR will monitor the District's implementation of the Agreement. We look forward to receiving the District's first monitoring report, which is due by March 31, 2014.

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 Complainant 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.

We would like to thank you, your staff, and especially the District's Counsel, XXXXXXXXXX, for the courtesy and cooperation extended to OCR during the resolution of this complaint. If you have any questions regarding this matter, please do not hesitate to contact me or Mark Erickson of my staff at 312-730-1574.

Sincerely,

Aleeza Strubel
Supervisory Attorney

Enclosure

cc: XXXXXXXXXX