

Resolution Agreement
Chicago Public Schools District #299

The Board of Education of the City of Chicago (Chicago Board) submits the following Agreement to the U.S. Department of Education, Office for Civil Rights (OCR) in resolution of OCR compliance review number 05-10-5001. The Chicago Board submits this Agreement to ensure its compliance with Section 504 of the Rehabilitation Act of 1973, 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, 42 U.S.C. §12132 and its implementing regulation at 28 C.F.R. Part 35.

The Chicago Board states that this Agreement is not an admission of liability, nor of unconstitutional or illegal conduct by, or on the part of the Chicago Board or any of its current, future, or past officers, agents, representatives or employees. The Chicago Board further acknowledges that the Agreement is made to avoid the further expense in time and money of defending against this OCR compliance review.

The Chicago Board took the following steps to resolve OCR compliance review number 05-10-5001:

1. On August 2, 2010 and August 18, 2010, the Chicago Board sent written instructions to all schools prior to the opening of the 2010-2011 school year outlining the guidelines for ensuring transportation is available on the first day of school for all students who require transportation as a related service pursuant to a 504 Plan or an Individualized Education Program (IEP).
2. The Chicago Board ran daily reports (“daily tracking reports”) from August 9, 2010 through September 17, 2010 tracking students with disabilities who had transportation as a related service on a 504 Plan or IEP and were not on a bus route.
 - A. Staff from the Bureau of Student Transportation (BST) and the Office of Special Education and Supports (OSSES) met daily through September 17, 2010 to identify the problem(s) associated with each student identified in the daily tracking report.
 - B. BST notified each school which had a student on the daily tracking report instructing the school to submit a transportation request immediately. If a transportation request had not been submitted because the parent had refused transportation services, the school will continue to be instructed to reconvene the 504/IEP meeting within 30 school days to reflect parent refusal on the 504 Plan or IEP.
 - C. The weekends prior to the beginning of the 2010-2011 school year for the Track E and Track R schools, staff from BST and OSSES entered into the busing system the students with disabilities who required transportation pursuant to a 504 Plan or IEP and who had not been entered into the busing system by their school.

The Chicago Board agrees to take the following steps to resolve compliance review number 05-10-5001:

3. By September 30, 2010, the Chicago Board will provide OCR a hard copy of the written instructions with attachments referenced in item #1.
4. By October 19, 2010, the Chicago Board will provide OCR with data from the 20th school day for the Track E (September 7, 2010) and Track R (October 5, 2010) schools which identify the students who require transportation as a related service pursuant to a 504 Plan or IEP and the students who are on a bus route. For any student who requires transportation pursuant to a 504 Plan or IEP and is not on a bus route on the 20th school day, the Chicago Board will ensure that transportation is provided within 4 school days or provide an explanation as to why the student is not on a bus route. Legitimate rationales for not providing bus transportation include, but are not limited to, the student was incarcerated; student was placed in a residential or home/hospital setting; student no longer attended a CPS school; or parent refusal.
5.
 - A. BST will continue to operate its phone system to troubleshoot the transportation related problems for students with disabilities who require transportation pursuant to a 504 Plan or IEP. Information about the phone system will be posted on the BST and OSES WebPages on the Chicago Board's website – cps.edu.
 - B. By September 30, 2010 and by the first day of school of the 2011-12 school year, BST will provide electronic notice to every principal, Chief Area Officer and case manager informing them of the phone system and how to access it.
 - C. By November 1, 2010, the transportation section of the electronic IEP will include a reference to the BST phone system. When the electronic 504 Plan is rolled-out, the transportation section will include the same reference to the BST phone system. The Board will provide copies of the written electronic IEP or 504 Plan with the reference to the BST phone system to parents. Every case manager will be instructed to distribute written information to parents about the phone system during IEP meetings held prior to November 1, 2010 and during 504 Plan meetings held prior to the date the electronic 504 Plan system is implemented.
 - D. BST will ensure that the phone system is sufficiently staffed during business hours and able to take messages twenty-four hours a day and seven days a week.
 - E. BST will respond to all 504 Plan or IEP related transportation problems reported via this phone system within two business days.
 - F. During the 2010-11 and 2011-2012 school years, once a week, BST will provide OSES a written description of each complaint

received via the phone system, including the type of complaint, the resolutions, and the number of school days until resolution. BST will maintain copies of the descriptions for the duration of the Agreement and, upon request, provide access to OCR to review the descriptions.

- G. The Chicago Board will provide OCR with documentation of its compliance with items #5A, B, C, D and E by November 1, 2010 and November 1, 2011.
6. By November 1, 2010, BST and OSES will jointly create and maintain a monthly reporting system to track all 504 Plan or IEP related transportation complaints received by principals. This monthly reporting system will track the number of complaints received from the beginning of the school year; the type of complaints, the resolutions, and the number of school days until resolution. BST will maintain copies of the monthly reports for the duration of the agreement and, upon request, provide access to OCR to review the reports.
 7. BST will survey its bus vendors quarterly during the 2010-2011 and 2011-2012 school years to determine if they have received transportation complaints related to 504 Plan or an IEP directly from parents and/or principals. The survey will include the number of complaints received; the type of complaints; the resolutions and the number of school days until resolution. The surveys will be completed by January 31, 2011 and June 17, 2011, and January 31, 2012 and June 30, 2012. BST will maintain copies of the survey responses for the duration of the agreement and, upon request, provide access to OCR to review the reports.
 8. The Chicago Board will provide OCR with a monthly report, to be submitted on the last school day of the month from September 30, 2010 through June 30, 2012, that includes:
 - A. The names of the students with disabilities who require transportation pursuant to a 504 Plan or IEP and were not on a bus route; the reason for not being on a bus route; and if applicable, the date the student was placed on a bus route.
 - B. Beginning December 2010, the monthly report will include a summary of the complaints received from principals and through the BST phone system, including a description of the types of complaints; the resolutions, and the number of school days until resolution.
 - C. The February 2011 and June 2011 and February 2012 and June 2012 monthly reports will include a summary of the complaints received from the bus vendors directly, including a description of the types of complaints; the resolutions, and the number of school days until resolution.

- D. If the student with disabilities was not on a bus route because of parent refusal and the refusal has been noted in the 504 Plan or IEP, this information will be included in the report.
9. To ensure that students with disabilities who require transportation as a related service are automatically placed on a bus route, the Chicago Board will explore purchasing an IT system which links the transportation indicated on the electronic IEP and 504 Plans to the busing system to eliminate the need for school staff to enter the information twice in two different IT systems. The Chicago Board will take substantially the same actions outlined in items #1, 2, 3, 4, and 5, and submit the reports in items #6, 7 and 8 for the 2011-12 school year unless the following conditions are met: (1) the Chicago Board has fully implemented a new IT system, (2) the Chicago Board has provided documentation to OCR demonstrating that the new IT system is operational and (3) prior to August 1, 2011, OCR and the Chicago Board have agreed to new reporting requirements for the 2011-12 school year.
 10. During the 2010-2011 and 2011- 2012 school years, for any student who was unable to attend school for ten or more consecutive school days or there is other evidence the student was denied a free appropriate public education because he/she was not receiving transportation services required by a 504 Plan or IEP, the Chicago Board, with parental consent, will convene an IEP meeting to determine if the student is entitled to compensatory education. The students with disabilities for whom this paragraph applies will be identified through the report generated pursuant to item #8A. The Chicago Board will provide the compensatory educational services within six months of the determination that compensatory education is necessary, unless the IEP team determines that Extended School Year (ESY) services are the compensatory services.
 11. During the 2010-2011 and 2011-2012 school years, for any student who was not receiving transportation services required by his/her 504 Plan or IEP and his/her parent had to transport them to and from school until transportation services were provided, the Chicago Board will reimburse the parent in accordance with the Chicago Public Schools Bureau of Student Transportation *Parent Request for Personal Transportation Reimbursement* guidelines. The students with disabilities for whom this paragraph applies will be identified through the report generated pursuant to item #8A. The Chicago Board will provide notice to the parents of these students regarding their right to submit reimbursement claims to the Chicago Board.
 12. In its February 2011 and June 2011 and February 2012 and June 2012 monthly reports, the Chicago Board will provide OCR with a report documenting compliance with items #10 and 11. The report will identify

any student who was unable to attend school for ten or more consecutive school days or there is other evidence the student was denied a free appropriate public education because he/she was not receiving transportation services required by a 504 Plan or IEP. If compensatory services are provided to students after the last day of the school year, the Chicago Board will provide OCR with a report documenting compliance with item #10 for those students by January 1, 2012 or September 30, 2012 as appropriate.

13. The Chicago Board will identify the students who during the 2009-2010 school year were not receiving 504 Plan or IEP transportation services, and no legitimate rationale exists for the failure to provide 504 Plan or IEP transportation. Legitimate rationales include, but are not limited to, the student was incarcerated; student was placed in a residential or home/hospital setting; student no longer attended a CPS school; or parent refusal. For these students for whom no legitimate rationale exists:
 - A. If any student was unable to attend school for ten or more consecutive school days or there is other evidence the student was denied a free appropriate public education due to the lack of 504 Plan or IEP transportation services, the Chicago Board will convene, with parental consent, an IEP meeting by January 31, 2011 to determine if the student is entitled to compensatory education. The Chicago Board will provide the compensatory educational services within six months of the determination that compensatory education is necessary, unless the IEP team determines that ESY services are the compensatory services.
 - B. If any student who was not receiving transportation services and his/her parent had to transport them to and from school until transportation services were provided, the Chicago Board will reimburse the parent in accordance to the Chicago Public Schools Bureau of Student Transportation *Parent Request for Personal Transportation Reimbursement* guidelines. The Chicago Board will provide notice to the parents of these students regarding their right to submit reimbursement claims to the Chicago Board. Parents must submit the appropriate paperwork to BST prior to January 31, 2011.
14. By April 1, 2011, the Chicago Board will provide OCR with a report documenting compliance with item #13. For compensatory services provided after February 28, the Chicago Board will provide OCR with a report documenting compliance by June 30, 2011.
15. By August 31, 2011, the Chicago Board will provide training to the principals which includes a discussion about ensuring that transportation is available on the first day of school for all students who require transportation as a related service pursuant to a 504 Plan or an IEP.

16. By September 30, 2011, the Chicago Board will provide a report to OCR documenting compliance with item #15.

The Chicago Board will provide data and other information in a timely manner. During the monitoring of this agreement, OCR may visit the Chicago Board, interview staff, and students and request such additional reports or data as are necessary for OCR to determine whether the Chicago Board has complied with the terms of this agreement and the provisions of Section 504 and Title II applicable to this compliance review.

The Chicago Board agrees to comply with the terms of this agreement until OCR has released it from monitoring. OCR will not close the monitoring until it determines that the Chicago Board has fulfilled the terms of this Agreement and is in compliance with the provisions of Section 504 and Title II applicable to this compliance review.

Richard Smith, Chief Officer Special Education
For the Chicago Board

Date

Ryan Solchenberger, Deputy Officer of Operations
For the Chicago Board

Date

Patrick J. Rocks, General Counsel
For the Chicago Board

Date