



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION V
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WISCONSIN

December 3, 2013

Ms. Barbara Byrd-Bennett
Chief Executive Officer
Chicago Public Schools District 3299
125 South Clark Street, 5th Floor
Chicago, IL 60603

Re: OCR Docket #05-12-1428

Dear Ms. Byrd-Bennett:

This is to advise you of the disposition of the above-referenced complaint filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR), against the Chicago Public Schools District #299 (District) alleging discrimination on the basis disability.

Specifically, the complaint alleged that the District's Ogden Elementary School (School) discriminated against Student A on the basis of his disability (xxxxx xxxxx) when it failed to implement several provisions of his 504 Plan in the following manner:

1. On xxxxx, 2012, the School staff assigned to assist Student A with xxxxxxxxxx during a field trip did not assist him and he xxxxxxx xxxxxxx;
2. On approximately xxxxx, 2012, School staff refused to let Student A use the xxxxxx xxxxxxxxx xx xxxxxxx xxx xxxxxxxxxxxxxx xx xxx xxxxxxx xxxxxx xx xxe xxxxxxxxx as required by his 504 plan; and
3. On approximately xxxxx, 2012, Student A's xxxxxxxx teacher refused to excuse Student A from class xx xxx xxx xxxxxxxxx, as required by his 504 Plan, and Student A xxxxxxx xxxxxxx.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), 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 (Title II), 42 U.S.C. § 12132 and its implementing regulation at 28 C.F.R. Part 35. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance, and Title II prohibits discrimination on the basis of disability by public entities. As a recipient of Federal financial assistance from the Department and a public entity, the District is subject to these laws.

During its investigation, OCR reviewed data provided by the Complainant and the District, and interviewed the Complainant. In accordance with Section 302 of OCR's *Case Processing*

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Ogden Elementary School

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 expressed interest in resolving the allegations in the complaint. Subsequent discussions with the District resulted in the District signing the enclosed Resolution Agreement (Agreement), which, when fully implemented, will resolve the issues raised in the complaint. The provisions of the Agreement are aligned with the allegations and the information obtained during OCR's investigation, and are consistent with the applicable regulations. OCR will monitor the District's implementation of the Agreement. We look forward to receiving the District's first monitoring report, which is due on February 28, 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 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 privacy.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The Complainant may file a private suit in federal court whether or not OCR finds a violation.

We wish to thank the District for the courtesy and cooperation extended by its staff during the investigation. In particular, we wish to thank Kathleen Gibbons and Dalila Bentley. If you have any questions, please contact me, at 312-730-1613 or by e-mail at Aleeza.Strubel@ed.gov.

Sincerely,

Aleeza Strubel
Supervisory Attorney

Enclosure