

**Resolution Agreement**  
**Chicago Public Schools District #299**  
**William B. Ogden Elementary School**  
**OCR Complaint # 05-12-1428**

The Chicago Public Schools District #299 (District) hereby agrees to resolve the above-referenced complaint with the U.S. Department of Education, Office for Civil Rights (OCR). The District submits this Agreement to ensure its compliance with 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 and Title II prohibit discrimination on the basis of disability by recipients of Federal financial assistance from the U.S. Department of Education and public entities, respectively.

The District agrees to the following:

1. By May 31, 2014, the District will provide training to all William B. Ogden Elementary School (School) administrators, teachers, and non-certified staff, including but not limited to aides, paraprofessionals, office assistants, and security officers, on the Section 504 regulation at 34 C.F.R. § 104.33, which requires the District to provide a Free Appropriate Public Education (FAPE) in accordance with the requirements of 34 C.F.R. § 104.33, regarding the implementation of students' Section 504 Plans. The training will specifically inform participants that all necessary parties are to be promptly notified of the creation or modification of a properly developed Section 504 Plan and that after such notification the Plan is to be implemented immediately, and until an annual review conference has taken place, unless there is specific language in the Plan delineating circumstances agreed upon by the parties in advance as to which if any provisions may be waived or are optional based on the particular situation. In addition, the training will inform participants of the District's best practices for implementing Section 504 Plans, including discussion of the roles and responsibilities of School administrators, teachers, and non-certified staff in the implementation of Section 504 Plans.

**REPORTING REQUIREMENT:** By June 30, 2014, the District will provide OCR documentation demonstrating its implementation of item #1. Specifically,

the District will provide OCR the names of individuals who attended the training session(s), sign-in sheet(s) for the training session(s), the date(s) and time(s) the training session(s) occurred, the name(s) and credentials of the individual(s) who conducted the training session(s), and copies of the agenda and other materials disseminated at the training session(s).

2. By December 31, 2013, the District will contact the Complainant, in writing, and offer to convene a meeting in accordance with 34 C.F.R. § 104.35(c) during which the Section 504 team will determine whether Student A is eligible to receive compensatory educational services as a result of the failure to fully implement his Section 504 plan during the 2011-12 school year. If compensatory services are found to be needed, the District will offer to provide such services. In addition, the District will provide the Complainant with the procedural safeguards normally provided during Section 504 evaluation and placement proceedings, including notice of her right to dispute the Section 504 team's determination through the District's due process proceedings.

**REPORTING REQUIREMENT:** By February 28, 2014, the District will provide OCR documentation demonstrating its implementation of item #2. Specifically, the District's documentation will include the offer to convene a meeting in accordance with 34 C.F.R. § 104.35(c), any written response to the offer from the Complainant and if no written response is provided a brief narrative statement describing the Complainant's response to the offer, all materials reviewed and considered by the Section 504 team, if any, as well as a report (or Section 504 Plan) documenting the services the Section 504 Team agreed the District would provide to Student A. In the event the Section 504 Team determined that services were not needed, the District will provide a statement describing the reasons no such services would be provided, including documentation that it provided the Complainant with notice of the District's procedural safeguards. In the event the District provides services to Student A, by June 30, 2014, it will provide documentation demonstrating that the agreed upon services were provided to Student A.

The District 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

Resolution Agreement  
05-12-1428

and is in compliance with the regulations implementing Section 504 at 34 C.F.R. § 104.33 and Title II at 34 C.F.R. Part 35, which were at issue in this case.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that 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 and Title II at 34 C.F.R. Part 35, 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 proceedings 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.

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For the District

\_\_\_\_\_  
Date