

Resolution Agreement
Chicago Public Schools District # 299
(The Ogden International School of Chicago)
OCR Docket: 05-13-1379

The Chicago Public Schools District #299 (District) hereby agrees to resolve an allegation of discrimination on the basis of disability in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), namely the allegation that the Ogden International School of Chicago (School) failed to implement the provisions of Student A's Section 504 Plan during the 2012-2013 school year. Additionally, the District agrees to resolve a compliance concern identified by OCR during the course of its investigation, namely, whether Student A was harassed by his classmates on the basis of disability, and the District knew about the harassment but failed to respond appropriately. 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.

The District agrees to the following:

Disability Harassment

1. Effective immediately, the School will take all steps necessary to ensure that students with disabilities at the School, as defined in Section 504 and Title II, are not subjected to a hostile environment on the basis of disability. To this end, by April 11, 2014, the School will issue to students, parents and staff the District's Anti-Bullying Policy and the Comprehensive Non-Discrimination Title IX and Sexual Harassment Policy, which will include notice that the School does not tolerate acts of harassment, including based on disability. The District policies include the following:
 - a. Notice that any student, staff, parent or visitor may report to the School, the central office department head of the applicable office conducting the program or activity being complained about, or the Office of Diverse Learners Support and Services Department of Procedural Safeguards and Parent Supports, his or her belief that he or she has been subjected to harassment based on disability.
 - b. The District's commitment to conduct a prompt investigation.
 - c. A warning that students found to have engaged in acts of harassment based on disability will be disciplined promptly and make clear such discipline may include, if circumstances warrant, suspension and expulsion.
 - d. Notice that the School encourages students, parents and School staff to work together to prevent acts of harassment of any kind, including but not limited to bullying as reflected in the Student Code of Conduct.

Reporting Requirements: By April 30, 2014, the School will submit to OCR documentation showing it has implemented Item 1, including a copy of the policies the

School issued to students, parents and staff, and the location on the School's website where the policies may be found.

Individual Student Remedies

2. By April 11, 2014, the School will send a letter to the Complainant inviting him to submit a written request to the School to investigate specific instances of disability harassment against Student A that occurred during the 2012-13 school year. The letter shall indicate that the School will not investigate the instances of disability harassment raised in allegation 1(b) of the instant OCR complaint that are resolved by OCR in its March 25, 2014, letter of findings. The letter will indicate that the Complainant has fifteen (15) calendar days within which to submit his written request to the School. Upon receipt of the Complainant's timely written request, the School will commence a thorough and impartial investigation of each incident, in accordance with the District's Comprehensive Non-Discrimination Policy. Depending on the nature of the complaints, some complaints may be referred to the Equal Opportunity Compliance Office (EOCO) in accordance with District policy. If the School (and/or EOCO) determines that disability harassment occurred, the District will take prompt action to address the harassment in accordance with District policies, including taking action against student perpetrators.

Reporting Requirements: By June 13, 2014, the School will submit to OCR documentation showing that it has implemented Item 2, including a copy of the Complainant's written request as well as a report summarizing the results of any investigation(s) conducted by the School (and/or EOCO) as a result of his request.

3. By April 30, 2014, the School will contact the Complainant, in writing, and offer to convene a group of persons knowledgeable about Student A, including Student A and the Complainant. During this meeting, the team will determine whether Student A is eligible to receive compensatory and/or remedial services as a result of the time period he did not receive special education or related aids and services (including social work services) during the 2012-13 school year. If compensatory services are found to be needed, the team will develop a plan for providing compensatory and/or remedial services (including social work services) to Student A for the time period he did not receive special education or related aids and services during the 2012-13 school year. Additionally, in the event the School determines as a result of implementing Item 2 of this Agreement that Student A was subjected to disability harassment during the 2012-13 school year, the group will consider what, if any, counseling or other services Student A requires to ameliorate the effects of the harassment. The meeting will occur by June 27, 2014. The group will develop a plan for providing compensatory and/or remedial services, including services necessitated by disability harassment, if any, with a completion date not to extend beyond December 30, 2014, or a time agreed upon with the Complainant.

Reporting Requirements: (a) By August 22, 2014, the District will provide OCR documentation demonstrating its implementation of Item 3. Specifically, the District's

documentation will include the offer to convene a meeting, 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 summarizing the meeting with Student A and the Complainant, including a list of attendees, an explanation for the decisions made, and a description of and schedule for providing compensatory and/or remedial services to Student A, if applicable. OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations. (b) If appropriate, by January 16, 2015 (or within two weeks of the completion of the provision of services if a later time is agreed upon), the District will provide to OCR documentation of the dates, times and locations that compensatory and/or remedial services were provided, and the name(s) of the service provider(s).

Training

4. By June 1, 2014, the District will provide training to all School administrators, teachers, and non-certified staff, including but not limited to aides and paraprofessionals, on: (a) 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' Individualized Education Programs (IEPs), and (b) the District's Comprehensive Non-Discrimination Policy. The training will inform staff of their responsibility to report incidents of possible harassment based on disability and the procedures for doing so, and provide instruction on how to recognize, prevent and respond appropriately to such harassment. The training will also include instruction on how to conduct and document adequate, reliable, and impartial disability discrimination investigations, including the appropriate legal standards to apply in such investigations.

Reporting Requirements: By June 30, 2014, the District will provide OCR documentation demonstrating its implementation of Item 4. 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).

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 and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.3, 104.4(a), 104.7(a), (b), and 104.8(a), (b); and Title II at 28 C.F.R. §§ 35.104, 35.106, 35.107(a) and (b) and 35.130, 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. §§ 104.3, 104.4(a), 104.7(a), (b), and 104.8(a), (b); and Title II at 28 C.F.R. §§ 35.104, 35.106, 35.107(a) and (b) and 35.130, 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.

Approved and agreed to as designated by the District, Chicago, Illinois:
