

Resolution Agreement  
Chicago Public Schools District #299  
Portage Park Elementary School  
OCR Complaint # 05-14-1225

The Chicago Public Schools District #299 (District) hereby agrees to resolve an allegation in 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. Section 504 and Title II also prohibit retaliation.

The District agrees to the following:

1. By November 15, 2014, the District will provide training to the Principal of the Portage Park Elementary School (School), and any others it deems necessary, on the Section 504 and Title II regulations at 34 C.F.R. § 104.61 and 28 C.F.R. § 35.134 respectively, prohibiting retaliation. The training will specifically inform participants that Section 504 and Title II prohibit retaliation and provide examples of prohibited retaliatory conduct.
2. **REPORTING REQUIREMENT:** By November 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, the date and time the training session occurred, the name(s) and credentials of the individual(s) who conducted the training session, and copies of the agenda and other materials disseminated at the training session(s).
3. By November 15, 2014, the District will remove the April 1, 2014 "Performance Improvement Process" (PIP), and all connected documentation, from the Complainant's personnel file and will provide the Complainant with written confirmation that it has removed the PIP. "Connected documentation" does not include any of the Complainant's REACH reviews or performance ratings, as none of those documents are the subject of this Agreement.

**REPORTING REQUIREMENT:** By November 30, 2014, the District will provide OCR documentation demonstrating its implementation of item #2, including but not limited to a complete copy of the Complainant's personnel file and a copy of the written statement it provided to the Complainant regarding the removal of the PIP from her personnel file.

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

Draft Resolution Agreement OCR Docket # 05-14-1225

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. § 104.33 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. § 104.61 and Title II at 28 C.F.R. § 35.134, 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.

For the District \_\_\_\_\_

Date \_\_\_\_\_