

Resolution Agreement
Chicago Public Schools District #299
Chicago International Charter School – XXXX
OCR Complaint # 05-15-1143

The Chicago Public Schools District #299 (District) and the Chicago International Charter School (School) hereby agree to resolve the above-referenced complaint with the U.S. Department of Education, Office for Civil Rights (OCR). The District and the School submit this Agreement to ensure their 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. §§ 12131-12134, and its implementing regulation at 28 C.F.R. Part 35.

The School agrees to the following:

1. By December 1, 2015, the School will provide effective training to all School administrators, teachers, and non-certified staff, including but not limited to Deans, principals, and assistant principals, on the Section 504 regulation at 34 C.F.R. § 104.33, which requires the School to provide a Free Appropriate Public Education (FAPE) and on the Section 504 regulation at 34 C.F.R. § 104.35 with respect to the evaluation and placement of a student who is believed to need special education or related services. Specifically, the training will focus on the steps needed to ensure that a student for whom a change in placement is made by an Individualized Education Program (IEP) team, is transitioned to the new placement without missing instructional time.

REPORTING REQUIREMENT:

- a) By December 15, 2015, the School will provide OCR documentation demonstrating its implementation of item #1. Specifically, the School 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 agrees to the following:

2. By December 1, 2015, the District will provide effective training to all central office staff who participate in the process through which District students are placed in private, therapeutic schools. Specifically, the training will focus on the steps needed to ensure that a student for whom a change in placement is made by an IEP team, is transitioned to the new placement without missing instructional time.

REPORTING REQUIREMENT:

- a) By December 15, 2015, the District will provide OCR documentation demonstrating its implementation of item #2. 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).

3. By November 15, 2015, the District will:
 - a. conduct an investigation to determine whether School officials informally suspended Student A during the XXXXX school year, causing him to miss several days of school beyond the nine days of documented Out-of-School suspensions reflected in his discipline records;
 - b. notify Student A's parent or guardian of the outcome of the investigation; and
 - c. in the event the District determines that the School impermissibly, informally suspended Student A during the XXXX school year, the District will notify all School staff, in writing, that they may not informally suspend students.

4. By December 1, 2015, after providing proper notice to Student A's parent or guardian, the District will convene a group of persons knowledgeable about Student A, including Student A's parent or guardian, to convene an IEP meeting to determine whether compensatory services and/or remedial measures are warranted and if so, develop a plan for providing compensatory services and/or remedial measures to Student A:
 - a. as a result of the School's conduct in informally suspending Student A; and
 - b. for the time period lasting from approximately XXXXXXXX, during which he was being transitioned from the School to a private, therapeutic day school and did not receive any regular or special education or related aids and services.

The plan for providing compensatory services and/or remedial measures to Student A shall have a completion date for the provision of services that shall not to extend beyond June 30, 2016, unless a later date is agreed upon by the Complainant.

In the event the group determines that compensatory education and other services are not necessary, then the District will provide OCR with an explanation of the group's decision and documentation supporting the determination.

REPORTING REQUIREMENTS ITEMS 3 AND 4:

- (a) By November 16, 2015, the District will provide OCR documentation demonstrating its implementation of item #3. Specifically, the District will provide to OCR a copy of the written report of its investigation, including notes from interviews conducted and any witness statements. In the event the District determined that informal suspensions were issued, by November 1, 2015, the District will submit to OCR for review a copy of: (i) the written notification provided to Student A's parent or guardian of the outcome of the District's investigation; and (ii) the written

notification issued to all School staff explaining that the School may not informally suspend students.

- (b) By December 15, 2015, the District will provide OCR documentation demonstrating its implementation of item #4. Specifically, the District will provide to OCR a copy of: the meeting notice sent to Student A's parent or guardian, meeting notes or similar documentation from the meeting referred to in item #4 including a list of participants (by name and title), an explanation for the decisions made, and a copy or summary of the data considered.
- (c) By December 15, 2015, the District will also provide OCR with a copy of the plan developed to provide the compensatory services and/or remedial measures, if any, to Student A, and documentation that it provided Student A's parent or guardian with a copy of the plan developed, written notice of the determination and notice of the District's system of procedural safeguards under Section 504. 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.
- (d) By July 15, 2016, the District will provide documentation to OCR demonstrating that it has completed providing the compensatory services and/or remedial measures deemed necessary to Student A. The documentation should include the dates, times, and locations that services were provided and the name(s) of the service provider(s).

The District and School understand that by signing this agreement, they agree to provide data and other information in a timely manner in accordance with the reporting requirements of this agreement. Further, the District and School understand that during the monitoring of this agreement, if necessary, OCR may visit the District and/or School, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District and/or School have fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.4(a) and 104.33 and Title II at 34 C.F.R. § 35.130(a), which were at issue in this case.

The District and School understand that OCR will not close the monitoring of this agreement until OCR determines that the District and School have fulfilled the terms of this agreement and are in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.4(a) and 104.33 and Title II at 34 C.F.R. §35.130(a), which were at issue in this case.

The District and School understand and acknowledge 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 and/or School written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

For the District

Date

For the School

Date