

CPS RESOLUTION AGREEMENT
OCR Case No. 05-15-1222
XXXXXXXXXXXX/Chicago Public Schools District #299

The Chicago Public Schools District # 299 (District) enters into this Resolution Agreement (Agreement) with the U.S. Department of Education, Office for Civil Rights (OCR) to ensure its compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. §§ 104.4, 104.33 and 104.36, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131-12134, and its implementing regulation, 28 C.F.R. §35.130, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

To ensure compliance with above-referenced statutes and their implementing regulations with respect to the issues raised in this complaint, the District voluntarily agrees to take the following actions. Nothing in this Agreement shall be construed to be an admission of liability or wrongdoing by the District.

TRAINING OF SCHOOL AND DISTRICT PERSONNEL

- 1) By November 16, 2015, the District will require administrators and staff at the School, including but not limited to the Principal and special education staff, and appropriate staff in the District's central office who are responsible for ensuring that District schools are staffed with required special education teachers and service providers, to complete effective training on the following subjects:
 - (a) The District's process to ensure there is minimum disruption in services to students with disabilities in the event a special education staff member or service provider takes a leave of absence for ten or more consecutive school days, whether the leave of absence is expected or unexpected.
 - (b) The District's process to ensure that compensatory education IEP meetings are held for students affected by any disruption in services due to the absence of a service provider for ten or more consecutive school days.

REPORTING REQUIREMENT: By November 30, 2015, the District will provide OCR with documentation that it has provided the training referenced in Item 1 of the Agreement, including the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, and a list of the School and District employees who successfully completed the training.

INDIVIDUAL REMEDIES

- 2) By October 31, 2015, the District will convene a group of persons knowledgeable about Student A, including the Complainant, to determine whether Student A is eligible to receive compensatory educational services for the time period she did not receive

XXXXXX XXXXXXXX services in the XXXXX term of the 2014-15 school year because of the absence of the School's XXXXX therapist. If compensatory services are found to be needed, the group will develop a plan for providing compensatory educational services with a completion date not to extend beyond June 30, 2016.

REPORTING REQUIREMENT: By November 16, 2015, the District will report the results of the group's determination regarding the provision of any compensatory educational services for Student A. The District shall provide OCR with a copy of the notice provided to Student A's legal guardian, documentation showing the participants in the meeting, a narrative statement providing an explanation for the group's decisions, a description of the information that the group considered, a description of and, if applicable, a schedule for providing any compensatory educational services to Student A, and documentation that the District provided the procedural safeguards to Student A's legal guardian. Prior to approving the proposed services, OCR will review the documentation to ensure that the group met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making its determination.

CLASS REMEDIES

- 3) By October 31, 2015, the District will submit to OCR a list of students who were affected by the absence of the School's speech pathologist during the XXXXX term of the 2014-15 school year. For each student on the list, the District will indicate if the IEP team held a compensatory education IEP meeting to determine whether compensatory educational services for the period of time during which the student did not receive XXXXXXXX services in the XXXXX term of the 2014-15 school year were warranted and if so, what were the compensatory educational services.

REPORTING REQUIREMENT: By October 31, 2015, the District will provide OCR with documentation of its implementation of Item #3 of the Agreement.

- 4) For each student on the list submitted to OCR pursuant to Item #3 above, and for whom a compensatory education IEP meeting to account for the period of time during which the student did not receive XXXXXXXX services in the XXXXX term of the 2014-15 school year was not held, the District will convene a group of persons knowledgeable about the student, including the student's parent and/or legal guardian, to determine whether the student is eligible to receive compensatory educational services to the student for the time period the student did not receive XXXXXXXX services in the XXXXX term of the 2014-15 school year because of the absence of the School's speech therapist. If compensatory services are found to be needed, the group will develop a plan for providing compensatory educational services for each affected student with a completion date not to extend beyond June 30, 2016.

REPORTING REQUIREMENT: By November 30, 2015, the District will report the results of the group's determination regarding the provision of any compensatory educational services for each student. The District shall provide OCR with a copy of the notice provided to each student's legal guardian, documentation showing the participants in the meeting, a narrative

statement providing an explanation for the group’s decisions, a description of the information that the group considered, a description of and, if applicable, a schedule for providing any compensatory educational services to each student, and documentation that the District provided the procedural safeguards to each student’s legal guardian. Prior to approving the proposed services, OCR will review the documentation to ensure that the group met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making its determination.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that, during the monitoring of this Agreement, the OCR may visit the School, interview staff, parents and students, and request such additional reports or data as are necessary for the OCR to determine whether the School has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II regulations, at 34 C.F.R. §104.7(b) and 28 C.F.R. Part 35.107(b), respectively, which were at issue in this complaint.

The District understands that the 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 and Title II regulations, at 34 C.F.R. §104.7(b) and 28 C.F.R. Part 35.107(b), respectively, which were at issue in this complaint.

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 or judicial proceedings to enforce the specific terms and obligations of this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Approved and agreed to on behalf of Chicago Public Schools District # 299.

For the School

Date

For the District

Date