

Resolution Agreement
Chicago Public Schools District #299 (XXXXXXXXXXXX)
OCR Docket # 05-15-1262

The Chicago Public Schools District #299 (District) voluntarily enters into this Resolution Agreement (Agreement) to ensure 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, with respect to the allegation of disability discrimination raised in the above-referenced complaint. Specifically, the District has voluntarily agreed to resolve the allegation that it discriminated against Student A, based on her disability (specific learning disorder) by denying a request to transfer her to xxxxxxxxxxxx xxxxxxxxxxxx xxxxxx (School) during the 2014-15 school year. By entering into this Agreement, the District does not admit any violation of Section 504 or Title II with regard to the allegation that the it failed provide Student A with a FAPE during the 2014-15 school year

Training

1. The District will provide training to the School's Principal, Parent Support Administrator A (PSA-A), PSA-B, and Network Chief-A and any other staff it deems necessary on the Section 504 regulation at 34 C.F.R. §§ 104.4(a) and the Title II regulation at 28 C.F.R. § 35.130(a), which prohibit disability discrimination. The training will include, but not be limited to, information about the Section 504 and Title II regulations that prohibit school districts from: denying a qualified student with a disability the opportunity to participate in or benefit from an aid, benefit, or service; affording a qualified student with a disability an opportunity to participate in or benefit from an aid, benefit, or service that is not equal to that afforded others; providing a qualified student with a disability with an aid, benefit, or service that is not as effective as that provided to others and does not afford that student with an equal opportunity to obtain the same result, gain the same benefit, or reach the same level of achievement in the most integrated setting appropriate to the student's needs; providing different or separate aid, benefits, or services to students with disabilities or to any class of students with disabilities unless such action is necessary to provide a qualified student with a disability with aid, benefits, or services that are as effective as those provided to others; otherwise limiting a qualified individual with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit, or service. In addition, the training shall include information about the Section 504 regulations that require school districts to provide a free appropriate public education (Section 504 FAPE) to each qualified person with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the person's disability. Finally, the training will include information on the District's non-discrimination statement, its grievance procedures and practices related to allegations of disability discrimination, and its

Resolution Agreement

05-15-1262 Chicago Public Schools District #299 (xxxxxxxxxxxx xxxxxxxxxxxx)

transfer policies. The District shall evaluate all participants' understanding of the training information and materials with a formal assessment at the end of the training.

REPORTING REQUIREMENTS: By January 31, 2016, the District will provide to OCR documentation describing the trainings it has provided to the School Principal and PSA-A, PSA-B, Network Chief-A, and any other staff, including sign-in sheets, agendas, all materials distributed, a copy of the assessment instrument, and a narrative summary of the results of the evaluation.

Individual Remedies

2. By October 31, 2015, by certified mail, the District will send a letter to the Complainant in which it apologizes for its failure to appropriately respond to the Complainant's transfer inquiry during the 2014-15 School year pursuant to its transfer policies, clearly explain the procedures for requesting a mid-year transfer to an attendance area school, assure the Complainant that it did not intend to, nor will it, discriminate against Student A because of her disability, and inform the Complainant that she may elect to enroll Student A in her current attendance area school for the 2015-16 school year and provide all district-created documentation necessary for the Complainant to request such enrollment.

REPORTING REQUIREMENT: By November 15, 2015, the District will provide OCR documentation confirming that it has sent the letter and material described in item #2

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. §§ 104.4(a), 104.7 (a) and (b), 104.8, 104.33, 104.35, and 104.36, and Title II at 28 C.F.R. § 35.130(a), 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. §§ 104.4(a), 104.7 (a) and (b), 104.8, 104.33, 104.35, and 104.36, and Title II at 28 C.F.R. § 35.130(a), 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 sixty (60) calendar days to cure the alleged breach.

Resolution Agreement

05-15-1262 Chicago Public Schools District #299 (xxxxxxxxxxxx xxxxxxxxxxxx)

For the District

Date