

Resolution Agreement

05-16-1059 Chicago Public Schools District #299 (Park School)

jurisdiction, regardless of the nature or severity of the person's disability. Finally, the training will include information about the Section 504 regulation at 34 C.F.R. § 104.35, regarding evaluation and placement of students with disabilities. In particular, the training shall inform participants of the requirement to timely respond to requests for meetings or evaluations, to make individualized determinations about what is needed to provide a FAPE (including but not limited to determinations about extracurricular activities), and to avoid making determinations based on generalized rules.

REPORTING REQUIREMENTS: By June 30, 2016, the District will provide to OCR documentation describing the trainings it has provided to the Employee B, Counsel A, and Counsel B, including sign-in sheets, agendas and all materials distributed.

Individual Remedies

2. After providing proper written notice to Student A's XXXXXXXX and counsel, the District will convene a group of knowledgeable persons to determine whether Student A was denied a FAPE during the 2015-16 school year as the result of any failure to implement the transportation plan contained in Student A's IEP. In addition, the team shall consider whether Student A requires extra-curricular activities in order to be provided with FAPE. If the team concludes that Student A was denied a FAPE as a result of any failure to implement the transportation plan in her IEP or if the team concludes that Student A requires extra-curricular activities in order to receive a FAPE, then the team shall determine whether Student A is in need of compensatory and/or remedial services as a result of the District's denial of FAPE or failure to include extra-curricular activities in her IEP. In addition, the District will provide Student A's XXXXXXXX with notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

REPORTING REQUIREMENT: By June 30, 2016, the District will report the results of the group's determination regarding the provision of any compensatory and/or remedial services for Student A. The District shall provide OCR with a copy of the notice provided to Student A's XXXXXXXXX, 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 and/or remedial services to Student A, and documentation that the District provided the procedural safeguards to Student A's XXXXXXXX. OCR will review the notice 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 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

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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), 104.34, and 104.35, 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), 104.34, and 104.35, 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 a minimum of sixty (60) calendar days to cure the alleged breach.

For the District

Date