

Resolution Agreement
Chicago Public Schools District #299 (XXXXXXXXXXXX)
OCR Docket # 05-16-1359

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, a student with a disability (XXXXX) at XXXXXXXXXXXX (School), when throughout the 2015-16 school year, staff failed to implement the provisions of Student A's Section 504 Plan.

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 2015-16 school year

Training

1. *Training:* The District will provide training to all School teachers, administrators, and school aides, and any other School personnel charged with supervising students with Section 504 plans, on the Section 504 regulation at 34 C.F.R. §§ 104.4(a) and 104.33, which prohibit disability discrimination and require the District to provide a free appropriate public education (FAPE).

REPORTING REQUIREMENTS: By March 15, 2017, the District will provide to OCR documentation describing the trainings it has provided to School teachers, administrators, aides, and other District personnel, including sign-in sheets, agendas, and all materials distributed.

Individual Remedies

2. FAPE. After providing proper written notice to Student A's legal guardian, 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 Student A's Section 504 plan. If the group determines that Student A was denied a FAPE during the 2015-16 school year, it shall determine whether Student A is in need of compensatory and/or remedial services, or any additional accommodations and/or modifications to Student A's Section 504 Plan as a result of the District's denial of FAPE, including, for example, considering a modified grading rubric or amending Student A's grades, if the team determines it is appropriate. In addition, the District will provide Student A's legal guardian with notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

REPORTING REQUIREMENT: By March 24, 2017, 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 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 and/or remedial 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.

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) and 104.33, 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.

For the District

Date