Resolution Agreement
Palatine Community Consolidated School District 15
OCR Docket #05-16-1370


By entering into this Resolution Agreement, the District does not admit any violation of Section 504 of the Rehabilitation Act of 1973 or Title II of the American with Disabilities Act of 1990 with regard to the allegations in the complaint. Nothing contained in this Resolution Agreement shall be construed, or used as an admission of wrongdoing, liability, statutory or regulatory violation, or any other illegal or improper act, by the District.

The District agrees to take the following actions:

**Policies and Procedures**

1. By March 15, 2017, the District will review and revise, if necessary, its notice of nondiscrimination and grievance procedures to ensure that the District’s policies and procedures meet the requirements of the regulations implementing Section 504, at 34 C.F.R. § 104.7, and Title II, at 28 C.F.R. § 35.107, include the name, title and contact information (including phone number, office address and e-mail) for its Section 504/Title II Coordinator, and state that inquiries concerning the application of Section 504 or Title II may be referred to the Section 504/Title II Coordinator or to OCR. The District will broadly publish its revised notice of nondiscrimination and grievance procedures, including on the District’s website, and in its promotional materials, parent/student and employee handbooks, application forms and its other published materials in accordance with 34 C.F.R. § 104.8 and 28 C.F.R. § 35.106.

2. REPORTING REQUIREMENT: By March 15, 2017, the District will submit a copy of its amended notice of nondiscrimination and grievance procedures to OCR for review and approval. Within 30 days of OCR’s approval of the notice of nondiscrimination and grievance procedures, the District will provide to OCR a list of the titles of the publications in which the notice of nondiscrimination and grievance procedures appear (e.g. Parent/Student Handbook), and a copy of at least one publication disseminated to the District community, or a link to the District’s website containing the notice and grievance procedures. Should the District require more than 30 days due to periodic printing of District materials, inserts may be used pending reprinting of those publications.

3. Effective immediately, the District will take all steps necessary to ensure that students enrolled in the District are not subjected to a hostile environment on the basis of disability or any other protected class. By March 15, 2017, the District will review, and revise if
necessary, its anti-harassment and bullying policies and complaint procedures to make certain such policies and procedures contain the necessary components to ensure that once the District is on notice of possible disability harassment of students, the District will take immediate and appropriate steps to investigate the harassment or otherwise determine what occurred, take prompt and effective steps reasonably calculated to end any harassment and prevent the harassment from occurring again, and take actions to eliminate a hostile environment if one has been created. If the below provisions are not already included in the District’s anti-harassment and bullying policies and procedures, such will be revised to include the following:

a. a prohibition of harassment with examples, including disability harassment, citing federal law;
b. a description of its grievance procedures and directions how to file a complaint, if appropriate;
c. a statement of the application of the policies and procedures to employees, students, or third parties and to incidents that occur on school grounds during and after school hours, at school sponsored events, or at events off school grounds that cause a hostile environment on school grounds;
d. a statement that the District will promptly and equitably investigate all incidents of harassment on the basis of disability using a preponderance of the evidence standard once on notice of such alleged harassment;
e. a description of designated and prompt time frames for major stages of the investigation;
f. a description of interim measures it may take for the person who is the target of the harassment;
g. notice that it will provide both parties a written description of the outcome of the investigation;
h. notice that it will take appropriate action against the individual(s) found to have engaged in harassing behavior, including discipline, counseling, or other actions as appropriate, and will provide an appropriate remedy to the person who is the target of the harassment including counseling and other resources; and
i. notice of its prohibition against retaliation and intimidation.

REPORTING REQUIREMENT: By March 15, 2017 the District will submit any revised policies and procedures to OCR for review and approval. Within 30 calendar days of written notification of OCR’s approval of any revised policies and procedures, the District will adopt and implement the revised policies and procedures and will provide all administrators, teachers, and staff with written notice regarding the new policies and procedures. The District will provide to OCR a copy of the notice provided to administrators, teachers, and staff, the link to the revised policies and procedures on the District’s website, and a copy of the revised policies and procedures included the Parent/Student Handbook for the 2016-2017 school year. Should the District require more than 30 days due to periodic printing of District materials, inserts may be used pending reprinting of those publications.
Antiharassment Statement

4. At the start of the 2017-2018 school year, on or before September 15, 2017, the Superintendent will issue a statement to all District students, parents and staff that will be published on the District’s website, and posted in prominent locations in the District’s school buildings, stating that the District does not tolerate acts of bullying and harassment on any prohibited basis, including acts of harassment based on disability. The statement will encourage any person who believes he or she has been subjected to harassment or a hostile environment to report the harassment or hostile environment to the District and will note the District’s commitment to conducting a prompt investigation. The statement will warn that persons found to have engaged in acts of harassment or other acts that create a hostile environment will be promptly disciplined in a manner consistent with the District’s anti-harassment and bullying policies and the student code of conduct. The statement will include a link on the District’s website to the District’s anti-harassment and bullying policies and complaint procedures and will encourage students, parents, and District staff to work together to prevent acts of harassment of any kind.

Reporting Requirement: By September 30, 2017, the District will provide OCR with a copy of the anti-harassment statement, including locations of postings, and the link to statement on the District’s website.

Training of Staff

5. By September 15, 2017, the District will provide training to all administrators, teachers, and staff at Stuart R. Paddock Elementary School and Jane Addams Elementary School on the District’s anti-harassment and bullying policies and procedures, Uniform Grievance Procedure, and policy prohibiting retaliation. The training will specifically address the responsibility of staff to report incidents of possible harassment or complaints of harassment of which they become aware and the procedures for doing so, and provide instruction on how to recognize, take steps reasonably designed to prevent and respond appropriately to harassment, including disability harassment. The training will also clarify that any bullying of a student with a disability that results in the student not receiving meaningful educational benefits constitutes a denial of a free and appropriate public education (FAPE) that must be remedied, regardless of the nature of the bullying or harassment.

Reporting Requirement: By September 30, 2017, District will provide OCR with documentation that it provided all administrators, teachers, and staff with the required training, including the dates of the training, the names and titles of the trainer(s), a copy of materials used or distributed during the training, and a sign-in sheet with the names and titles of the staff who attended the training.

6. By September 15, 2017, the District will provide training to all staff directly involved in processing, investigating and/or resolving complaints of discrimination or reports of harassment and bullying at Stuart R. Paddock Elementary School and Jane Addams
Elementary School. The training will specifically address the appropriate techniques for promptly responding to and investigating allegations of harassment, including timelines, responsibilities, documentation, interviewing victims, the accused, and witnesses, analyzing the information obtained during investigations, making findings using the preponderance of evidence standard, and responding to the complainant in writing with respect to its determination. The training will also clarify that any bullying of a student with a disability that results in the student not receiving meaningful educational benefits constitutes a denial of a free and appropriate public education (FAPE) that must be remedied, regardless of the nature of the bullying or harassment.

REPORTING REQUIREMENT: By September 30, 2017, the District will provide OCR with documentation that it has provided the required training, including the dates of the training, the names and titles of the trainer(s), a copy of materials used or distributed during the training, and a sign-in sheet with the names and titles of the staff who attended the training.

**Individual Remedies**

7. By March 15, 2017, the District will expunge all references to Student A’s suspensions issued between February 2016 to May 2016. The District will also review Student A’s grades on assignments and tests on the days he was serving a suspension to ensure that he was not penalized for incomplete or late work. If Student A was penalized, the District will recalculate his grade without the penalty and, as necessary, recalculate his final course grade. If Student A’s final course grade is changed, the District will provide Student A’s parent with a copy of his revised transcript.

REPORTING REQUIREMENT: By March 15, 2015, the District will provide OCR with a copy of Student A’s discipline records showing that the District has expunged all references to Student A’s suspensions between February 2016 to May 2016. The District will also provide documentation that it reviewed, and recalculated if necessary, Student A’s grades. If Student A’s final course grade was changed, the District will provide OCR with a copy of Student A’s revised transcript.

8. By March 15, 2017, the District will issue Student A’s parent a letter summarizing the steps the District has taken to resolve this complaint, including its review of policies and procedures, staff training, and expungement of Student A’s suspensions from February 2016 to May 2016. The letter will assure Student A’s parent that, if Student A were ever to reenroll in the District, it will promptly respond to any future allegations of harassment or bullying, and determine whether, as a result of any harassment and bullying (even if not on the basis of disability), Student A was denied a FAPE. The letter also will offer, upon Student A’s reenrollment in the District, Student A counseling to address any lingering effects of harassment, if any, and a reevaluation of Student A in order to determine appropriate regular or special education and related aids and services, and whether Student A was denied FAPE as a result of any incident(s) of harassment or bullying.

REPORTING REQUIREMENT: By March 17, 2017, the District will provide OCR with a copy of the letter sent to Student A’s parent.
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 employees 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, 104.7, 104.8, 104.33, 104.61 and Title II at 28 C.F.R §§ 35.106, 35.107, 35.130, and 35.134, 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, 104.7, 104.8, 104.33, 104.61 and Title II at 28 C.F.R §§ 35.106, 35.107, 35.130, and 35.134, 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.

Approved and agreed to on behalf of the Palatine Community Consolidated School District 15:

____________________________________  ______________________
Superintendent or Designee                                      Date