

**Resolution Agreement**  
**Chicago Public Schools District #299**  
**XXXXXXX**  
**OCR Complaint # 05-17-1168**

The U.S Department of Education, Office for Civil Rights (OCR) and the Chicago Public Schools District #299 (District) enter into this agreement to resolve the allegations in the above-referenced complaint.<sup>1</sup> This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 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. Sections 12131 *et. seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

The District agrees to the following:

1. By October 15, 2017, the District will provide training to the XXXX School (“School”) principal, assistant principal and any other School staff directly involved in processing, investigating, and/or resolving complaints or other reports of disability discrimination, including disability harassment, and any other School counselor or other School personnel who are likely to receive reports of disability harassment. The training will provide instruction on how to conduct and document prompt, adequate and reliable disability harassment investigations, including the appropriate legal standards to apply in such investigations. In addition, the training will include how to address and prevent disability harassment.

**REPORTING REQUIREMENT ITEM 1:**

By October 30, 2017, the School will provide OCR documentation demonstrating its implementation of item #1. Specifically, the District will provide OCR the names of individuals who attended the training sessions, sign-in sheets for the training sessions, the dates and times the training sessions occurred, the names and credentials of the individuals who conducted the training sessions, and copies of the agenda and other materials disseminated at the training sessions.

2. By November 15, 2017 the District will:

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<sup>1</sup> In its March 16, 2017 Letter of Notification to the District, OCR informed the District that it was opening an investigation into whether the District discriminated against Student A based on his disability (XXXX) during the 2016-17 school year when Teacher A and Student A’s classmates allegedly made derogatory remarks about Student A’s disability, and the District, which was allegedly aware of the harassment, failed to respond appropriately. Subsequently, during the course of OCR’s investigation, OCR learned that Student A was allegedly hit by Teacher B, and broadened its investigation to consider whether that incident may have contributed to a hostile environment for Student A on the basis of disability.

- a. Conduct an investigation to determine whether Teacher A and/or Student A's classmates made derogatory remarks about Student A's disability during the 2016-17 school year;
- b. Conduct an investigation to determine whether Student A was subjected to a hostile environment based on a disability as the result of 1) Teacher A's alleged conduct and/or classmates' derogatory remarks regarding Student A's disability, if the remarks are substantiated; and 2) Teacher B's alleged physical altercation with Student A during the 2016-17 school year; and
- c. Notify Student A's parent or guardian of the outcome of the investigations, and of the right to appeal the District's determinations.

### **REPORTING REQUIREMENT ITEM 2:**

By November 30, 2017, the District will provide OCR documentation demonstrating its implementation of item #2. Specifically, the District will provide to OCR a copy of the report of its investigation, including notes from interviews conducted and any witness statements and its notice to Student A's parent or guardian of the outcome of the investigation.

3. Should Student A enroll in the School or any other District School for the 2017-18 school year, the District will, during the first week of the student's enrollment during the 2017-18 school year, provide the Complainant with a consent form for the District to conduct an evaluation to determine whether Student A is eligible for special education and related aids and services through a Section 504 plan or an Individualized Education Program (IEP). The District will also provide the Complainant with notice of procedural safeguards. Within 60 school days of receiving the signed consent form, the District will conduct the evaluation and make a placement determination in accordance with the requirements of Section 504 at 34 C.F.R. Section 104.35.

### **REPORTING REQUIREMENT ITEM 3:**

In the event Student A returns to a District School for the 2017-18 school year, by December 15, 2017, the District will provide OCR documentation demonstrating its implementation of item #3. Specifically, the District will provide OCR with copies of the documentation that it provided to the Complainant, as well as the names of individuals who participated in the Section 504 and/or IEP evaluation processes, if applicable, as well as their titles and roles in the evaluation process.

4. Whether Student A is found eligible or ineligible for special education and related aids and services, at the Section 504 or IEP meeting to develop the initial Section 504 plan or IEP, the District will convene a group of persons knowledgeable about Student A, including Student A's parent or guardian, to determine whether Student A requires compensatory and/or remedial services, such as counseling and/or social work or tutoring services, as a result of (a) Teacher A's and/or Student A's classmates' derogatory remarks about Student A's disability (if such allegations are substantiated); and/or (b) a hostile environment based

on disability (if a hostile environment is found to have been created during the 2016-2017 school year under item #2).

**REPORTING REQUIREMENT ITEM 4:**

Within 30 days of completing the evaluation and convening Student A’s Section 504 or IEP team, the District will provide OCR documentation demonstrating its implementation of item #4. Specifically, the District will provide OCR a copy of the notice for the Section 504 or IEP meeting, the meeting notes, and an explanation regarding how the team reached its decision as to whether Student A is eligible for compensatory services under this item. The District will provide the Complainant notice of procedural safeguards, including the right to challenge the team’s determination through an impartial due process hearing. Additionally, within 30 days of completing the evaluation and convening Student A’s Section 504 or IEP team, the District will provide OCR with a copy of a letter to the Complainant regarding remedial services, such as counseling and/or social work or tutoring services. If the Complainant agrees to the provision of remedial services by the District, the District will provide OCR documentation that the services were provided, including the dates services were provided and the number of minutes of services provided on each date.

The District understands that by signing this Agreement, it agrees to provide the foregoing 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, including simulated website accounts and passwords, as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. §§104.21 and 104.35, and Title II and its implementing regulation at 28 C.F.R. §35.149. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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.

This Agreement will become effective immediately upon the signature of the District’s representative below.

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For the District

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Date