

RESOLUTION AGREEMENT

OCR Complaint No. 05-18-1238 Proviso Township High Schools District Chicago Regional Office

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and the Proviso Township High Schools District (District) enter into this Resolution Agreement (Agreement) to resolve the above-referenced complaint. 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), 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, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance from the Department and public entities, respectively.

1. By June 15, 2018, in accordance with relevant District policy, the District will:
 - a. Conduct an investigation to determine whether Student A's classmates harassed and/or bullied Student A, including but not limited to XXX, during the XX school year;
 - b. Determine whether Student A was subjected to a hostile environment based on a disability as the result of the harassment and/or bullying by his classmates, if the harassment and/or bullying is substantiated;
 - c. Take prompt and effective steps reasonably calculated to end the harassment and/or bullying, eliminate the hostile environment if created, and prevent the conduct from recurring, and, as appropriate, remedy its effects. Possible steps may include the imposition of discipline on any students who may be found responsible for harassing and/or bullying Student A and individual remedies for Student A, as necessary; and
 - d. Notify all parties, including Student A's parent(s) and the parents and/or guardians of each student accused of harassing and/or bullying Student A of the outcome of the investigations, and of the right to appeal the District's determinations, as appropriate under relevant District policy.

REPORTING REQUIREMENT ITEM 1: By June 30, 2018, the District will provide OCR documentation demonstrating its implementation of Item #1. Specifically, the District will provide to OCR a copy of the report of its investigation, including notes from interviews conducted and any witness statements, will describe any disciplinary actions taken by the District, as well as the justification for each disciplinary action or for a decision not to take disciplinary action in connection with any incidents of alleged harassment, will describe all remedies provided to Student A, and will provide OCR documentation that it notified Student A's parent and the parents and/or guardians of each accused student of the outcome of the

investigation, and of the right to appeal the District's determinations, as appropriate under relevant District policy.

2. By May 30, 2018, the District shall provide written notice to the Complainant stating that regardless of Student A's enrollment status with the District, should Student A attend any District-sponsored activities or events, the District will take steps reasonably necessary to ensure that Student A is not subjected to harassment and/or bullying on any basis, including disability-based harassment, or a hostile environment on the basis of disability at District-sponsored activities.

REPORTING REQUIREMENT ITEM 2: By May 30, 2018, the District will provide documentation to OCR that it has implemented Item # 2 of the Agreement for review and approval.

3. By June 30, 2018, the District will provide proper written notice to Student A's parent, after which the District will convene an Individual Educational Program (IEP) meeting for Student A to determine whether, and to what extent: (1) Student A's educational needs have changed; (2) any substantiated harassment and/or bullying impacted Student A's receipt of free appropriate public education (FAPE) services during the XXX school year, including during the time that Student A XXX as a result of alleged harassment and/or bullying (from XXX); and (3) additional or different services, if any, are needed. If accepted by the Complainant, such services will be provided by the end of the 2018-2019 school year, or at a date agreed upon by the Complainant and the District. In addition, the District will provide the Complainant with notice of the IEP team's determination and with written notice of the procedural safeguards, including the right to challenge any of the IEP team's determination through an impartial due process hearing.

REPORTING REQUIREMENT ITEM 3: By July 15, 2018, the District will provide OCR with supporting documentation demonstrating its implementation of Item #3. OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34, 104.35, and 104.36, in making these determinations. The documentation provided to OCR shall include the following:

- a. Documentation showing when the IEP team met, who was present and what was discussed;
- b. The team's decisions and the bases for those decisions, including a description of the information the group considered;
- c. A copy of any meeting minutes;
- d. Documentation of any input provided by the Complainant and showing that procedural safeguards were provided to her;
- e. If any, a copy of compensatory education and other remedial services or actions that were offered, in writing, to Student A;
- f. The name(s) and title(s) of the individual who will provide such services or actions to/for Student A;

- g. Should services and/or actions be rejected by the Complainant, the District will provide OCR documentation of such rejection and documentation showing that it provided the parent with the written notice of procedural safeguards following the rejection; and,
 - h. A copy of any other documentation relevant to the determinations reached in the meeting.
4. By August 15, 2018, the District will provide training to any personnel at Proviso West High School ("School") who are likely to receive reports of disability discrimination and or bullying, including the School's self-contained special education classroom teachers, aides, and administrators, and to all School staff responsible for and/or directly involved in processing, investigating, and/or resolving complaints or other reports of disability discrimination, including disability harassment and bullying of students with disabilities. The training will provide instruction on relevant District policies and procedures and will include 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 and the need to consider, in the case of a student with a disability who is subjected to bullying, whether the bullying of a particular student with a disability results in a denial of FAPE.

REPORTING REQUIREMENT ITEM 4: By September 15, 2018, the District will provide OCR documentation demonstrating its implementation of Item #4. 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.

5. By December 1, 2018, the District will provide age-appropriate training for all students in the School's self-contained special education classroom. The training will address harassment and bullying, including, but not limited to, disability harassment, in order to promote respect and tolerance for others and to avert the establishment of a hostile environment based on disability for students enrolled in the School. The District will remind students of its commitment to having a school environment free from all harassment and explain to students what they should do if they believe they or other students are being harassed. The program will include a review of relevant District's policies and student behavioral codes, including an explanation of what harassment and bullying, and harassment on the basis of disability are, as well as disciplinary sanctions related to findings of violations of its policies and behavioral code. The District will also provide students with the name and contact information of a District employee, such as a counselor, that the students may contact if they wish to confidentially discuss any concerns they have and remind students of the availability of counseling services. The District will distribute written materials (including in languages other than English as necessary) during the training program that contain the information discussed.

REPORTING REQUIREMENT ITEM 5: By December 30, 2018, the District will provide OCR with a report demonstrating implementation of Item #5. The District will provide documentation indicating the date(s) of the training, lists of the presenters, topics covered during

the program, and the amount of time spent on each topic, and copies of the materials used in the orientation.

The District understands that by signing the Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the District understands that during the monitoring of the 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 the Agreement. Upon the District's satisfaction of the commitments made under the Agreement, OCR will close the case.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR will 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:

Name and Title

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Date