

Resolution Agreement
Chicago Public Schools District #299
XXXXXXXXXXXXXXXXXXXX
OCR Complaints #05-18-1127 and 05-18-1266

The U.S. Department of Education, Office of Civil Rights (OCR) and the Chicago Public Schools District #299 (District) and the **XXXXXXXXXXXX** enter into this agreement to resolve two of the allegations raised in the above-referenced complaints. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District and the School assure OCR that they 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 and public entities, respectively, with respect to the resolved allegations.

The District and the School agree to the following:

1. By September 30, 2018, the School will provide effective training to the School's Principal and Student A's teachers, counselors, and case manager on the Section 504 regulation at 34 C.F.R. § 104.33, which requires the School to provide a Free Appropriate Public Education (FAPE) as well as the Section 504 prohibition against retaliation. Specifically, the training will focus on the steps needed to ensure that students receive FAPE by fully implementing services identified and developed in a Section 504 Plan for that purpose.

REPORTING REQUIREMENT:

- a) By September 30, 2018, the District will provide OCR documentation demonstrating its implementation of item #1. Specifically, the District will provide OCR the names and titles of the individuals who attended the training session(s), sign-in sheet(s) for the training session(s), the date(s) and time(s) the training session(s) occurred, the name(s) and credentials of the individual(s) who conducted the training session(s), and copies of the agenda and other materials disseminated at the training session(s).
2. By October 15, 2018, after providing proper notice to the Complainant, the District will convene a group of persons knowledgeable about Student A, including the Complainant, (*i.e.*, Student A's Section 504 team) to determine whether Student A was denied a FAPE during the 2017-2018 school year as a result of any failure by the School to implement the provisions of Student A's Section 504 Plan and, if warranted, provide compensatory services and/or remedial measures to him.

In the event the group determines that compensatory education and other services are not necessary, then the District will provide OCR with an explanation of the group's decision and documentation supporting the determination.

REPORTING REQUIREMENT:

- a) By October 31, 2018, the District will provide OCR documentation demonstrating its implementation of item #2. Specifically, the District will provide to OCR a copy of the plan developed, if any, including any written report, a list of meeting participants (by name and title), and any memoranda created as a result of the Section 504 team meeting, to provide the compensatory services and/or remedial measures to Student A, and documentation that it provided to the Complainant. 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. §§ 104.34, 104.35 and 104.36, in making these determinations.
- b) If warranted, by December 31, 2018, the District will provide documentation to OCR demonstrating that it has provided the compensatory services and/or remedial measures that Student A's Section 504 team determined necessary to ensure that Student A received a FAPE. The documentation should include the dates, times, and locations that services were provided and the name(s) of the service provider(s).

The District and School understand that by signing this agreement, they agree to provide data and other information in a timely manner in accordance with the reporting requirements of this agreement. Further, the District and School understand that during the monitoring of this agreement, if necessary, OCR may visit the District and/or School, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District and/or School have 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 34 C.F.R. § 35.130(a), which were at issue in this case.

The District and School understand that by signing this Agreement, they agree to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the District and the School understand that during the monitoring of this Agreement, if necessary, OCR may visit the School, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District and School have fulfilled the terms of this Agreement and are in compliance with Section 504 and its implementing regulation at 34 C.F.R. §104.21, and Title II 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 and School understand and acknowledge 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 and/or School written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

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For the District

____7/5/18_____
Date