

RESOLUTION AGREEMENT
OCR Docket #05-18-1298
Chicago Public Schools District 299

The Chicago Public Schools District 299 (District) enters into this Resolution Agreement (Agreement) with the U.S. Department of Education, Office for Civil Rights (OCR), 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 in any education program or activity operated by a recipient of Federal financial assistance from the Department of Education.

I. Individual Student Remedies

By October 5, 2018, the District will convene a group of persons knowledgeable about Student A (e.g., Student A's Section 504 Team from XXX), including the Complainant, to:

- a. Consider the evaluation data and placement options as required by the Section 504 implementing regulation at 34 C.F.R. § 104.35(c) in order to minimize Student A's exposure to known food allergens and provide for Student A's safety during educational activities without excluding Student A from his educational environment or segregating him from his peers, except as necessary through 34 C.F.R. § 104.34.
- b. Consider whether Student A requires compensatory services as a result of the XXX School's alleged failure to implement Student A's Section 504 Plan during the XXX school year with respect to food allergen exposure.
- c. As warranted, the group will amend Student A's Section 504 Plan and related plans (including but not limited to Student A's Individual Health Care Plan) to reflect any changes, additional safeguards and/or compensatory services determined necessary.
- d. The District will provide Student A's parents with a copy of any amended plans, and notice of the procedural safeguards available under 34 C.F.R. § 104.36, including the parent's right to challenge such determinations through an impartial due process hearing should they disagree with the team's decisions.

ITEM I REPORTING REQUIREMENTS: By October 31, 2018, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting referenced in Item I above, including an explanation for decisions made, a copy of any revised plans, and a description of and schedule for providing any compensatory services to Student A. 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.

II. TRAINING

- A. By October 8, 2018, the District will provide all XXX School staff who will or may work with Student A with a copy of Student A's Section 504 Plan developed in accordance with Item I of the Agreement, including a copy of any Individual Health Care Plan developed for Student A.
- B. By November 9, 2018, the District will provide adequate and effective training to all XXX School administrators, counselors and other staff responsible for the identification, evaluation and placement of students who, due to disability, are believed to need special education and/or related services, and to all XXX school staff and personnel responsible for the development and implementation of Section 504 Plans and/or individualized education programs (IEP), including but not limited to the Principals, counselors, all teachers, lunchroom staff, paraprofessional, and other support staff.
 1. The training will cover the requirements of the regulations implementing Section 504 at 34 C.F.R. §§ 104.33(b)-(d), 104.35(b)(1)-(3) and 104.35(c), and 104.36, including requirements related to:
 - a. the provision of a Free Appropriate Public Education in accordance with the requirements of 34 C.F.R. § 104.33;
 - b. evaluation and re-evaluation procedures;
 - c. eligibility determinations; and
 - d. the development and implementation of Section 504 Plans. The training will also emphasize that once a Section 504 plan is in place, every provision of the Plan must be fully and consistently implemented by every School employee responsible for implementation of a Section 504 Plan; and
 2. The training will also cover the requirements of the regulation implementing Title II at 28. C.F.R. § 35.130 (a)-(b), including requirements related to:
 - a. the requirement to make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity; and
 - b. the individualized inquiry that is required to determine whether a reasonable modification is legally required.
 3. Additionally, pursuant to the District's Food Allergy Management Policy (Board Policy 11-0126-PO2), the XXX School and XXX School administrators,

counselors and other staff will complete the online SY19 Chronic Conditions Training for all School Staff, including watching the How to Administer EpiPen video, by November 9, 2018.

ITEM II REPORTING REQUIREMENTS: By November 30, 2018, the District will provide documentation to OCR that it has implemented the terms of Item II of the Agreement, including:

- 1) documentation showing that Student A’s Section 504 Plan and any related plans were shared and reviewed with staff pursuant to Item II.A above; and
- 2) documentation showing implementation of the training required pursuant to Item II.B, including the name, title and credentials of the trainer, a copy of all training materials and a copy of the sign-in sheet depicting the names and job titles of the training attendees at the School.

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. 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 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 representatives below:

Name and Title

Date

Name and Title

Date