

**Resolution Agreement**  
**OCR Docket #05-22-1319**  
**Chicago Public Schools District 299**

The Chicago Public Schools District 299 (District) submits the following resolution agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to ensure its compliance with 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, with respect to OCR docket #05-22-1319.

The District agrees to the following:

1. By October 30, 2022, the District will convene a Section 504 team meeting, including Student A's guardian, to determine whether Student A is in need of compensatory services, including academic counseling and credit recovery assistance, for any educational deficits that resulted from a failure to provide Student A with a free appropriate public education (FAPE) from XXXXXXXXXX. The District will provide Student A's guardian with a copy of its system of procedural safeguards, including the right to challenge the Section 504 team's determination through an impartial hearing process.

**REPORTING REQUIREMENT:** By November 15, 2022, the District will provide OCR documentation demonstrating its implementation of Item 1 of the Agreement. Specifically, the District will provide OCR a copy of the notice of the meeting provided to Student A's guardian, the meeting notes, and an explanation regarding how the Section 504 team reached its decision as to Student A's need for compensatory services. In the event the Section 504 team determines that Student A is not eligible for compensatory services, it will provide OCR with documentation of the basis for the team's decision and a list of the sources relied upon in reaching that decision. If the Section 504 team determines that Student A is eligible for compensatory services, it will provide OCR a written determination of the compensatory services offered and the basis for the team's determination that these services address any educational deficit that the team determined exists. By September 1, 2023, the District will document to OCR that it has provided all compensatory and/or remedial services the team determined are necessary.

2. By March 1, 2023, the District will review, and revise if necessary, its applicable procedures to ensure that students with disabilities who are in need of homebound instruction and services as related aids and services are provided such instruction and services consistent with the free and appropriate public educational requirements relating to the identification, evaluation, and placement requirements in the Section 504 implementing regulations, at 34 C.F.R. §§ 104.33 through 104.36. The District will review the procedures to ensure that the XXXXXXXXXX (School) will evaluate any student who is believed to need related aids and services for a current or new disabling condition, including convening a group of people knowledgeable about the student and the placement options such as homebound instruction, prior to a significant change in

the student’s educational placement, and will ensure the student receives the necessary education and related aids and services in the appropriate placement.

**REPORTING REQUIREMENT:** By March 15, 2023, the District will submit the revised procedures developed in accordance with Item 2 to OCR for review and approval.

3. Within 30 calendar days of written notification of OCR’s approval of the revised procedures developed in accordance with Item 2, the District will provide notice and a copy of the procedures to the School Section 504 case managers and will publish the revised procedures on the District’s website.

**REPORTING REQUIREMENT:** Within 30 calendar days of written notification of OCR’s approval of the revised procedures developed in accordance with Item 2, the District will provide OCR with a copy of the notice provided to the School Section 504 case managers and a link to the revised procedures on its website.

4. By May 15, 2023, the District will have a qualified individual provide training to the Manager of the Home and Hospital Instruction Program on the nondiscrimination requirements in accordance with Section 504 regulation at 34 C.F.R. Part 104. The training will focus on ensuring that the process for approving and providing homebound instruction for students with disabilities in need of such instruction is consistent with the FAPE requirements relating to the identification, evaluation, and placement requirements in the Section 504 regulation at 34 C.F.R. §§ 104.35 and 104.36.

**REPORTING REQUIREMENT:** By May 31, 2023, the District will provide OCR with documentation that it has provided the training required by Item 4, including the dates of the training; the name(s) and credential(s) of the individual(s) who provided the training; a copy of the training materials used during the training; and a list of the attendees by name and title.

5. By May 15, 2023, the District will have a qualified individual provide training to School staff with responsibilities for students with disabilities under Section 504 and for homebound instruction on their duty to provide a FAPE. At a minimum, the District will ensure its training include the following: (a) the definition of disability under Section 504; (b) the District’s responsibility to identify, evaluate, and place students with disabilities who need or are believed to need special education and related services under Section 504; (c) the District’s obligation to provide homebound instruction consistent with the FAPE requirements relating to the identification, evaluation, and placement requirements in the Section 504 regulation at 34 C.F.R. §§ 104.35 and 104.36; and (d) the District’s revised procedures referenced in Item 2.

**REPORTING REQUIREMENT:** By May 31, 2023, the District will provide OCR with documentation that it has provided the training required by Item 5, including the dates of the training; the name(s) and credential(s) of the individual(s) who provided

the training; a copy of the training materials used during the training; and a list of the of attendees by name and title.

6. By May 31, 2023, the District will assess the effectiveness of the training referenced in Items 4 and 5 by conducting surveys of staff who attended the training. The surveys will specifically inquire about the individual’s knowledge of how to evaluate a request for homebound instruction from a student with a disability consistent with Section 504 and the District’s responsibility to provide a FAPE if a student is placed in homebound instruction following the proper procedural requirements under Section 504.

**REPORTING REQUIREMENT:** By June 5, 2023, the District will provide OCR with documentation of the assessment required by Item 6. If additional training is determined to be necessary, by October 1, 2023, the District will provide OCR documentation demonstrating it provided the additional training.

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, 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.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines the District has demonstrated compliance with all the terms of this Agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. Part 104, and Title II and its implementing regulation at 28 C.F.R. Part 35, which were at issue in this complaint.

The District understands that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement or judicial proceedings to enforce the specific terms and obligations of 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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Chief Executive Officer or designee

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Date