

Resolution Agreement
Kaneland Community Unit School District #302
OCR Docket #05-23-1411

Kaneland Community Unit School District #302 (District) enters into this Resolution Agreement with the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the referenced complaint. 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 a program or activity operated by a recipient of federal financial assistance from the U.S. Department of Education and by public entities, respectively.

1. By **September 15, 2023**, the District will convene a group of persons knowledgeable about Student A (i.e., IEP team), including Student A's parent(s), to discuss whether Student A is entitled to compensatory services to address any educational or other deficits that the team determines exist as a result of any alleged failure by the District to provide Student A a free appropriate public education (FAPE) and/or timely re-evaluate her in Spring 2023.

REPORTING REQUIREMENT: By **October 2, 2023**, the District will submit to OCR documentation demonstrating its compliance with item 1. Specifically, the District will provide OCR a copy of the meeting notes and an explanation regarding how the IEP team reached its decision as to whether Student A is entitled to compensatory services. If the District determines that Student A is not entitled to compensatory services, it will provide Student A's parent(s) and OCR with documentation of the basis for the team's decision(s). If the District determines that Student A is entitled to compensatory services, it will provide Student A's parent(s) and OCR a written determination of the compensatory services offered, the basis for the team's determination that these services address any educational or other deficits that the team determined exist, a timeline or schedule by which the District will provide such services and notice of the District's system of procedural safeguards. By **December 15, 2024**, the District will document to OCR that it has provided all compensatory services the team determined were necessary or explain why it was unable to provide the compensatory services (i.e., if the parent(s) did not provide consent for such services.)

2. By **September 15, 2023**, the District will provide training to all Kaneland High School (School) administrators and staff with responsibilities for students with disabilities under Section 504 on the duty to provide students a FAPE. At a minimum, the District will ensure its training includes: (a) the School's responsibility to identify, evaluate, and place students with disabilities who need or are believed to need special education or related aids services, or modification to regular education, under Section 504; and (b) the School's responsibility to timely re-evaluate a student pursuant to Section 504 regulation at 34 C.F.R. § 104.35(d).

REPORTING REQUIREMENT: By **October 2, 2023**, the District will provide OCR documentation demonstrating its compliance with item 2. Specifically, the District will

provide OCR the name(s) of the individual(s) who provided this training; the date(s) and time(s) the training session(s) occurred; the names and titles of the individuals who attended the training session(s); and copies of the agenda and any materials disseminated at the training session(s).

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 employees 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 and is in compliance with the regulations implementing Section 504 and Title II which were at issue in this case.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the District has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 and Title II which were at issue in 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 a minimum of sixty (60) calendar days to cure the alleged breach.

Approved and agreed to on behalf of the District:

Superintendent or Designee

Date