

Resolution Agreement
OCR Docket 05141362
Chicago Public School District # 299
LEARN Charter School Network – Romano Butler Campus

This Resolution Agreement is entered into by the Chicago Public Schools District # 299 (hereinafter referred to as “District”) through the LEARN Charter School Network–Romano Butler Campus (hereinafter referred to as “School”) to ensure 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. § 12132, and its implementing regulation at 28 C.F.R. Part 35, with respect to the allegation raised in this complaint.

By entering into this Agreement, the District and the School do not admit to a violation of Section 504 or Title II with regard to the allegation that the School discriminated against Student A from XXXXXXXXXXXXXXXX by failing to evaluate him to determine whether he is a student with a disability in need of regular or special education and related aids and services. Nothing in this Agreement shall be considered, construed, or used as an admission of wrongdoing, liability, statutory or regulatory violation, or any other illegal or improper act by the District or the School. Furthermore, the District and School agree, without regard to liability, to take corrective action to achieve compliance with the regulations implementing Section 504 at 34 C.F.R. § 104.33, 104.35, and 104.36, and Title II at 34 C.F.R. § 35.130(a), which are at issue in this case. The District and School will take the following actions:

1. By XXXXX 2015, after obtaining written consent from the Complainant, the School will evaluate Student A to determine whether he is a student with a disability in need of regular or special education and related aids and services. The School will notify the Complainant of the results of the evaluation within 10 school days.
 - a. Should the School determine that Student A is not an individual with a disability who needs or is believed to need regular or special education and related aids and services, the School shall provide the Complainant with notice of procedural safeguards including the right to challenge the group’s determination through an impartial due process hearing.
 - b. Should the School determine Student A is an individual with a disability who needs or is believed to need regular or special education and related aids and services, within two weeks of making this determination, the School will convene a group of knowledgeable persons, including the Complainant, to devise, based on the results of the evaluation, a plan for providing Student A with a free appropriate public education (FAPE) pursuant to Section 504. At this time, the group will also determine what compensatory services, if any, Student A should receive because of the School’s failure to identify him as a student with a disability, evaluate him, and provide him with a FAPE since XXXXXXXXXXXX. The School will provide the Complainant with notice of procedural safeguards including the right to challenge the group’s determination through an impartial due process hearing.

REPORTING REQUIREMENT:

- A. Within two weeks of the School's determination as to whether Student A needs or is believed to need regular or special education and related aids and services, and, if applicable, its development of a plan for providing Student A a FAPE, including any compensatory services deemed necessary, the District and the School will submit to OCR a copy of the results of Student A's evaluation and documents supporting the group's decisions. The documentation submitted shall state who participated in the meeting, a narrative statement providing an explanation for the group's decisions, a description of the information that the group considered, and a description of and schedule for providing services, including compensatory services if applicable, to Student A by the School under Section 504, including any written plans. OCR will, prior to approving the School's decision and proposed services, review the documentation to ensure that the School 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. In the event the School determines that Student A needs regular or special education and related aids and services, the School shall, by XXXXXXXX, provide documentation to OCR of the dates, times, and locations that any services were provided to Student A under Section 504, including compensatory and/or remedial services. The documentation shall include a description of what was provided and the name(s) of the service provider(s).
2. By March 27, 2015, the District will provide training on the Section 504 regulations at 34 C.F.R. § 104.33, 104.35, and 104.36, which require the District and School to (1) provide a free and appropriate public education in accordance with the requirements of 34 C.F.R. § 104; (2) conduct pre-placement evaluations, establish evaluation and re-evaluation procedures, as well as placement procedures, in accordance with the requirements of 34 C.F.R. § 104.35; and (3) establish and implement procedural safeguards in accordance with 34 C.F.R. § 104.36. This training will be provided to: (1) the director of the LEARN Charter School Network; (2) the principal and assistant principal of the School; and (3) all personnel responsible for developing and implementing Section 504 and Individualized Education Plans (IEP) for students in the School, including but not limited to School administrators, teachers, and special education teachers or service providers.

REPORTING REQUIREMENT: By March 27, 2015, the District and the School will provide OCR with documentation demonstrating its implementation of item # 2. Specifically, the documentation will include the names and titles of all individuals who attended the training session(s), the date(s) and time(s) the training sessions occurred, the name(s) and credentials of the individuals who conducted the training session(s), and copies of the agenda and other materials disseminated at the training session(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 conduct an on-site visit, interview employees, and request such additional reports or data as are necessary for OCR to determine whether and the extent to which the terms of this Agreement have been fulfilled, and whether the District and School are in compliance with the regulations implementing Section 504 at 34 C.F.R. § 104.33, 104.35, and 104.36, and Title II at 34 C.F.R. § 35.130(a), which are at issue in this case.

The District and School understand that OCR will not close the monitoring of this Agreement until OCR determines that all terms have been fulfilled and the District and School are in compliance with regulations implementing Section 504 at 34 C.F.R. § 104.33, 104.35, and 104.36, and Title II at 34 C.F.R. § 35.130(a), which are at issue in 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. Part 100.9, 100.10) or judicial proceedings to enforce this Agreement, OCR shall give the District and School written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

Robin Johnson
Principal LEARN Romano Butler Campus Charter School

Date