

RESOLUTION AGREEMENT

Peoria Unified School District Case Number 08-14-1008

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced complaint against the Peoria Unified District ("District"), pursuant to Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35. Prior to the completion of OCR's investigation, the District voluntarily agreed to resolve the allegations of this complaint pursuant to Section 302 of OCR's Case Processing Manual (CPM). This resolution has been entered into voluntarily and does not constitute a finding or admission that the District is not in compliance with Section 504 and Title II and their implementing regulations. Accordingly, to ensure compliance with Section 504 and Title II and their implementing regulations and to resolve the allegations of this complaint, the District voluntarily agrees to take the following actions:

Remedial Action and Reporting

1. By June 1, 2014, the District will revise its policy, JFB – Open Enrollment (J-1050), concerning the renewal and the revocation of open enrolled students in the District. The revised policy shall clarify that the procedures set forth for revocations of open enrolled students with disabilities on an individualized education program (IEP) or Section 504 Plan will also apply in instances when considering non-renewal of student on an IEP or Section 504 Plan.

REPORTING REQUIREMENT:

By June 15, 2014, the District will submit to OCR, for review and approval, a copy of its revised policy.

2. Within 45 days of OCR's approval of the revised policy in Term 1, the District will submit to OCR documentation demonstrating adoption and implementation of the approved policy.

REPORTING REQUIREMENT:

Within 10 days after adoption and implementation of the revised policy, the District will provide OCR with a confirmation letter stating that it has adopted the policy and listing all locations, including on the internet, where the District published the revised policy.

3. Within 10 days of the adoption and implementation of the approved policy, the District shall provide a memo to all District Principals, Vice Principals, Special Education administrators, Special Education lead teachers and other individuals involved in the administration of Special Education programs, and any other individuals responsible for the consideration of open-enrollment applications. This memo shall inform the recipients of the changes to the District's policy regarding open enrollment students.

REPORTING REQUIREMENT:

Within 15 calendar days after the District has issued the memo to the identified recipients, the District shall provide OCR with a copy of the memo and a list of the names of all of the recipients and their job titles.

4. Within 20 days of the date of this Agreement, the District will contact the parents/guardians of all disabled students who were on an IEP or Section 504 Plan who applied during the 2012-2013 and 2013-2014 school years and were non-renewed, including the two students named in the complaint. The District will inform the parents/guardians of the change in the District's policy regarding non-renewal of students who are on an IEP or Section 504 Plan. Additionally, the District will invite the parents/guardians to a meeting (to be held by August 1, 2014) to determine whether the stated reason(s) for non-renewing the student was consistent with the requirements of Section 504. For each instance it is determined the reason(s) for the non-renewal was not consistent with Section 504, the District will apply the remaining provisions of the policy and the student will be invited to re-enroll if appropriate.

REPORTING REQUIREMENT:

By August 30, 2014, the District will provide OCR with documentation demonstrating its compliance with Term 4. At a minimum, the District will provide OCR with a list showing all students by name who fit the criteria in Term 4, whether the student's parents/guardians accepted the invitation to meet, whether a meeting was held, the team's determination, and whether the student was offered renewal of enrollment. For those students not offered renewal, provide detailed justification for the non-renewal. For those parents invited but did not attend, the District will provide OCR a copy of the invitation sent to the parent and the response by the parent.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. 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 and is in compliance with the Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35 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 regulation implementing Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35 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.

_____/s/_____
For Peoria Unified School District

April 16, 2014
Date