

**Resolution Agreement**  
**Peoria Unified School District**  
**OCR Case No. 08-15-1031**

On January 29, 2015, the Complainant and Peoria Unified School District reached an agreement through the U.S. Department of Education, Office for Civil Rights (OCR) Early Complaint Resolution (ECR) process to resolve the Complainant's individual allegations in Case Number 08-15-1031 against the District. The ECR process did not, however, resolve the systemic procedural allegations raised in this complaint related to the District's Board Policy JK-EB. Prior to OCR's completion of its investigation of the remaining procedural issue and before OCR had made any findings, the District indicated its desire to voluntarily enter into an agreement to resolve the procedural allegation and ensure compliance with 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 (ADA) and its implementing regulation at 28 C.F.R. part 35, which were at issue in this complaint. Section 302 of OCR's *Case Processing Manual* permits a complaint to be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the complaint and the OCR Office Director believes that doing so is appropriate. Pursuant to Section 302 of OCR's *Case Processing Manual*, the District agrees to implement this Resolution Agreement and take the following actions:

1. The District will review and revise its Board Policy JK-EB and any related policies in accordance with Section 504 and Title II. More specifically, the Section 504 regulation, at 34 C.F.R. §104.35(a), requires school districts to evaluate any student who, because of disability, needs or is believed to need special education or related aids and services before initially placing the student and before any subsequent significant change in placement. The Section 504 implementing regulation requires the District to conduct a re-evaluation (including, where appropriate, a manifestation determination) if the District contemplates a significant change in placement, including a long-term suspension of more than 10 days (and, in some cases, cumulative short-term suspensions exceeding 10 days within a school year). Pursuant to Section 504, if the group (after conducting a Section 504 compliant re-evaluation) determines that the misconduct is not a manifestation of the student's disability, a district may move forward with the proposed discipline in the same manner as for similarly situated non-disabled peers; otherwise, the team must continue the evaluation and determine whether the student's current educational placement is appropriate. OCR interprets the Section 504 and the Title II regulations to impose the same procedural requirements as with respect to manifestation determinations. The District will review and revise Board Policy JK-EB and any related policies to ensure that before the Policy is applied to a student with a disability in a manner that causes a significant change in a student's placement, the District appropriately follows the procedures set forth in at 34 C.F.R. §104.35.

**REPORTING REQUIREMENT:**

- By April 1, 2015, the District will provide for OCR's review and approval a copy of the revised Board Policy JK-EB and any related procedures. The District will then work in good faith with OCR to make revisions as necessary to ensure OCR approval.
2. Within 30 days of OCR's approval of the revised Board Policy JK-EB and any related procedures, the District will adopt and publish the revised Board Policy JK-EB and any

related procedures. Publication must include all District websites and other places used by the District to publish materials. The District will provide the approved revised Board Policy JK-EB and any related procedures to all District teachers and administrators.

**REPORTING REQUIREMENT:**

- Within 30 days of OCR's approval of the revised Board Policy JK-EB and any related procedures, the District will provide documentation that these were adopted and published and that staff received them.
3. After the approval of the revised Board Policy JK-EB and any related procedures, the District will provide training to all administrators, the Section 504 coordinator, and the Student's teachers at Lake Pleasant Elementary School on Board Policy JK-EB and any related procedures.

**REPORTING REQUIREMENT:**

- Within 30 days of the approval of the revised Board Policy JK-EB and any related procedures, the District will provide OCR with a copy of the proposed training materials and identification of the trainer for OCR's review and approval.
- Within 60 days of OCR's review and approval of the training materials, the District will provide a copy of the agenda for the training, a copy of the related handouts provided during or before the training, a sign-in sheet for those who attended the training, and written assurance that all required individuals attended the training.

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.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 and Title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12131-65 and their implementing regulations at 34 C.F.R. § 104.35 and 28 C.F.R. §35.103(a), which were at issue in this case.

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 and is in compliance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 and Title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12131-65 and their implementing regulations, which were at issue in this case.

**For Peoria Unified School District:**

/s/ \_\_\_\_\_  
Dr. Denton Santarelli  
Superintendent, Peoria Unified School District

\_\_\_\_\_  
Date