

RESOLUTION AGREEMENT
Peoria Unified School District
Case Number 08-19-1415

Peoria Unified School District (the District) enters into this agreement to resolve the allegation in the above-referenced complaint. Prior to the completion of OCR's investigation, the District agreed to resolve the allegation pursuant to Section 302 of OCR's *Case Processing Manual*.

This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 and its implementing regulation, which prohibit discrimination on the basis of disability in programs and activities funded by the U.S. Department of Education; and Title II of the Americans with Disabilities Act and its implementing regulation, which prohibit discrimination on the basis of disability by public entities.

1. The District will complete a review of its gifted program¹, which will include a review of the cluster grouping model, to ensure that the cluster grouping model is implemented in a manner that does not result in discrimination against students with disabilities.

REPORTING REQUIREMENT 1(a):

Within 30 days of the date of this Agreement, the District will provide OCR with a report on the expected scope of the review described in Item 1, including the following information:

- A description of the review, including the names and titles of the committee members involved in conducting the review;
- The program components that will be part of the review; and
- The expected date of completion.

REPORTING REQUIREMENT 1(b):

By March 31, 2019, the District will provide OCR a copy of the outcome of the review and any proposed modifications to the program for OCR's review and approval. If the review results in any proposed modifications regarding the cluster grouping model, the District will notify OCR of the actions it plans to take, along with the expected timeframe.

REPORTING REQUIREMENT 1(c):

Within 90 days of the date OCR approves the outcome of the District's review and proposed actions, the District will report to OCR on the actions taken, including any supporting documentation (e.g., revised policies, training materials, etc.).

¹ In the course of our investigation of this complaint, the District informed OCR that it already intends to conduct a review of its gifted program.

2. If the District continues to use the cluster grouping model for the 2020-21 school year, the District will ensure that it is implemented at **XXXX** School in a manner that does not result in discrimination against students with disabilities.

REPORTING REQUIREMENT 2:

By August 15, 2020, the District will provide OCR with documentation showing how the cluster grouping model was implemented at **XXXX** to assign students to classrooms for the 2020-21 school year, including class rosters reflecting the classroom assignments of students with disabilities and gifted students; and copies of any policies, procedures, memoranda, or instructions used to assign students to groups, to assign groups to classrooms, and to assign students with disabilities to groups or classrooms.

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 regulations implementing Section 504 and Title II at 34 C.F.R. §104.35; and 28 C.F.R. § 35.130(a). Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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 sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District's representative below.

For Peoria Unified School District:

/s/ Linda Palles Thompson, Superintendent December 16, 2019

Name/Title

Date