

RESOLUTION AGREEMENT
Harrison County Schools
Case Number 03-13-5001

The U.S. Department of Education, Office for Civil Rights (OCR) conducted a compliance review of the Harrison County Schools (the District) to determine whether the gifted program and honors, Advanced Placement (AP), and college-level classes in the District are offered on an equal opportunity basis to students regardless of disability in compliance with Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990.

OCR and the District enter into this agreement to resolve this compliance review. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. 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), as amended, 29 U.S.C. Section 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. Sections 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

ACTION STEPS

1. By January 1, 2018, the District will institute a record-keeping system to track all referrals of students for evaluations to determine eligibility for gifted services and the results of those evaluations, including for each student a notation concerning whether that student has a disability (and if so, what disability), whether the student was found eligible for gifted services, and whether the student received any special considerations during the evaluation.

Reporting Requirement: By July 1, 2018, the District will provide OCR with documentation summarizing the referrals of students for evaluations to determine eligibility for gifted services during the prior academic year.

2. By January 1, 2018, the District will institute a record-keeping system to identify the number of students with a disability and without a disability, District-wide, who participate in each of the following programs: (a) the gifted program; (b) honors classes; (c) AP classes; and (d) college-level classes.

Reporting Requirement: By July 1, 2018, the District will provide OCR with documentation identifying the number of students with a disability and without a disability who participated in each of the four programs during the prior academic year.

3. By January 1, 2018, the District will complete a review and assessment of the District's gifted program, AP and honors courses, and college-level courses for the 2016-17 school year and develop recommendations for increasing the participation of students with

disabilities in the District's gifted program, AP and honors courses, and college-level courses. As part of its review and assessment, the District may consider the following factors:

- a. enrollment data, including trend data (i.e., student enrollment data for each course and by disability status and grade);
- b. the course offerings at elementary/middle schools (including Algebra and foreign languages) to determine whether students have the opportunity to take pre-requisites to AP, honors and college-level courses offered in high schools;
- c. input from students and parents;
- d. the impact of:
 - i. the role of prerequisite courses, and teacher recommendations in student enrollment in higher level learning opportunities;
 - ii. placement level in the freshman year of high school on student participation in higher level learning opportunities;
 - iii. any District enrollment, registration, or other policies and procedures related to enrollment in such courses or programs;
 - iv. communication and outreach to students and parents/guardians about these courses and programs;
 - v. advertisement of such courses and programs;
 - vi. peer pressure;
 - vii. the role of guidance counselor services; and
 - viii. support services for students enrolled in such courses or programs or preparing to enroll in them.

Reporting Requirement

By February 1, 2018, the District will submit documentation to OCR showing the results of the analysis, the recommendations, and the documents relied upon in conducting the analysis and developing the recommendations for OCR's review and approval.

With 60 days of OCR's approval of the District's recommendations, the District will begin implementing the recommendations. By July 1, 2018, the District will report to OCR on the implementation of the recommendations.

4. By October 1, 2017, the District will provide notice to all parents and guardians of District students reminding them of the availability of the gifted program, honors, AP, and college-level classes, and providing contact information for appropriate District staff to contact if parents or guardians are interested in learning more about those programs.

Reporting Requirement: By November 1, 2017, the District will provide OCR with a copy of the notice to all parents and guardians set forth in Action Step #4, as well as a written narrative explaining how the notice was distributed.

5. By January 1, 2018, the District will review its communications with students and parents, including disabled students and their parents, regarding the availability of the District's gifted program and develop a protocol for ensuring that all elementary and middle school students and parents are provided with notice on an annual basis of the existence and purpose of the gifted program, as well as an explanation of (1) the eligibility requirements for the gifted program; (2) how students are evaluated for the gifted program; and (3) how students and parents may request a referral for consideration for the gifted program.

Reporting Requirement: By February 1, 2018, the District will provide OCR with a detailed written narrative explaining how it complied with the requirements of Action Item #5, including providing OCR with any relevant documentation.

6. By January 1, 2018, the District will review its communications with students and parents at the high school level to ensure that students, including students with disabilities, are provided notice on an annual basis of (1) the availability of honors, AP and college-level classes; (2) how to enroll in these classes; and (3) the significance given to high school honors, AP and college-level courses by colleges in the admissions process.

Reporting Requirement: By February 1, 2018, the District will provide OCR with a detailed written narrative explaining how it complied with the requirements of Action Item #6, including providing OCR with any relevant documentation.

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 the regulations implementing Section 504, at 34 C.F.R. § 104.4(b)(4), and Title II, at 28 C.F.R. § 35.130(b)(3), which were at issue in this compliance review. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this review.

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.

/s/

9/12/2017

Superintendent

Date

/s/

9/12/2017

U.S. Department of Education, OCR Philadelphia Office Director

Date