



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

Voluntary Resolution Agreement

Rankin County School District (RCSD) OCR Reference: 06-14-1622

The Rankin County School District (RCSD) voluntarily submits this agreement to resolve the issue in the above referenced complaint. The RCSD assures the U. S. Department of Education, Office for Civil Rights, (OCR), that it will continue to make its programs and activities accessible, as required by Section 504 of the Rehabilitation Act of 1973 (Section 504), 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 regulations at 28 C.F.R. Part 35.

The RCSD is subject to Section 504 and Title II because it receives Federal financial assistance from the Department and is a public entity. In light of the compliance concerns identified for Complaint Number 06-14-1622, the RCSD has agreed to the terms of this Agreement as set forth below.

Individual Student Remedy

Action Item 1

By **November 7, 2014**, the RCSD will notify the complainant in writing (via certified mail, return receipt requested) of its willingness to re-evaluate her son (the Student) pursuant to Section 504, at 34 C.F.R. § 104.35. The RCSD will provide the complainant with a **minimum of ten (10) calendar days** to respond to its offer to evaluate the Student.

Reporting Requirements: Action Item 1

- A. By **November 17, 2014**, the RCSD will provide OCR with a copy of the notification sent to the complainant in accordance with Action Item 2.
- B. By **November 17, 2014**, the RCSD will submit to OCR a narrative report documenting whether the complainant has accepted the RCSD's offer to re-evaluate the Student and the scheduled date of the evaluation.

Action Item 2

- i. Upon Student's re-enrollment, but no later than September 1, 2015, the RCSD will convene a group of persons knowledgeable about the Student, to include but

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- not be limited to, teacher(s), nurse(s), medical personnel, Section 504 administrators, the meaning of the evaluation data and the placement options within the RCSD and draw upon a variety of sources, in order to develop an appropriate Section 504 program for the Student, as provided for at 34 CFR §104.35. The meeting will also include a discussion about the safety/ proper supervision concerns and issues that the Student's disability implicates. The group of knowledgeable people will consider whether the provision of home-bound services is an appropriate placement option for the Student.
- ii. **Upon the Student's re-enrollment to the district**, a group of persons knowledgeable about the Student, will convene to determine whether compensatory services are warranted as a result of any missed instruction. If it is determined that compensatory and/or remedial services are warranted; **within seven (7) calendar days** of said determination, a plan will be developed which specifies the services to be provided to the Student, the manner in which the services will be provided, when the services will be provided, the individuals responsible for providing the services, and the length of time for which the services will be provided. The completion date for the provision of such services will not extend beyond **thirty calendar (30) days** from the date the services began. The RCSD will provide the Student's parent/guardian with notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.
 - iii. Within **seven calendar days** from the determination made in paragraph i, above the RCSD will notify the complainant in writing (via certified mail, return receipt requested) of the RCSD's determinations made by the group of knowledgeable people as it relates to the Student's Section 504 program.
 - iv. Within **thirty calendar days from** the determination made in paragraph ii, above RCSD will have provided the Student with any compensatory services, which the group of knowledgeable people determined were necessary.

Reporting Requirements: Action Item 2

- A. By **December 30, 2015**, the RCSD will provide OCR with the meeting notes and decision(s) made by the group of knowledgeable people regarding the Student in accordance with Action Item 3 (i) and (ii).
- B. By **December 30, 2015**, the RCSD will provide OCR with a copy of the CMRRR sent to the complainant in accordance with Action Item 3 (iii).
- C. If the RCSD determined that Student needed compensatory services the RCSD will provide OCR with a copy of the notification sent to the complainant in accordance with Action Item 2 (iv), within **two weeks** of informing the complainant.

- a) **Within two weeks** of the decision as to whether compensatory and/or remedial services are needed, the District will submit to OCR documents supporting the group's decision. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student. OCR will, **prior to approving** the District's decision and plan for providing the proposed services, review the documentation to ensure that the District 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.

- D. The District will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s), **within two weeks from** the completion of the compensatory services.

Action Item 3

The RCSD will offer the complainant counseling for the Student, provided by an employee of the RCSD and at no cost to the complainant. The RCSD will notify the complainant in writing of this offer via CMRRR. The complainant will have ten calendar days to respond and accept or reject the RCSD's offer for counseling. The complainant is encouraged to notify the RCSD of her decision in writing. If the complainant accepts the offer, the counseling shall commence within fourteen business days of the acceptance and not extend past the end of the 2015-2016 school year.

Reporting Requirements: Action Item 3

Within two weeks of notifying the complainant, the RCSD will provide OCR with a copy of the CMRRR, as well as a copy of the correspondence sent to the complainant, to include the offer, and the complainant's response.

Section 504 Training

Action Item 4

By **December 1, 2014**, the RCSD will conduct mandatory training for all faculty, staff and administrators employed at the Florence Elementary and Florence Middle Schools. The training will highlight and include a review of the RCSD's Section 504/Title II policies and procedures. The training will also focus on the RCSD's obligation to abide by the requirements of Section 504/Title II, as it relates to the provision of an appropriate education. The training will include, but is not limited to, guidance on the appropriate method(s) to identify, evaluate and place students who are believed to need or need special education and related services. The training will be conducted by a person(s) knowledgeable about the requirements of Section 504/Title II.

Reporting Requirements: Action Item 4

- A. By **November 7, 2014**, and prior to the training, the RCSD will provide OCR, *for review and approval*, a copy of the training module and/or outline of the training materials that the RCSD will utilize, the name, credentials and contact information for the person(s) who will conduct the training and a description and/or copy of the notification that the RCSD will use to inform attendees of the mandatory training.

- B. By **December 12 , 2014**, the RCSD will provide OCR with detailed information regarding the training of staff and the requirements of Section 504/Title II. The RCSD will provide OCR with sign in sheets for all training sessions evidencing all staff who attended the training, the date, a copy of the training materials used, and the name, title, credentials and contact information for the person(s) who provided the training to comply with this Action Item.

The RCSD 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 Section 504, and its implementing regulation at 34 C.F.R. Part 104, and Title II and its implementing regulations at 28 C.F.R. Part 35.

The RCSD 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 RCSD understands that during the monitoring of this agreement, if necessary, OCR may visit the school district, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the school district has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504, and its implementing regulation at 34 C.F.R. Part 104, and Title II and its implementing regulations at 28 C.F.R. Part 35, which was at issue in this case.

The RCSD 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 RCSD written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

RCSD Superintendent or Designee

Date