



## **RESOLUTION AGREEMENT**

Tunica County School District  
OCR Case Number: 06-15-1291

The Tunica County School District (TCSD, District, or recipient) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office. By this Agreement, the TCSD commits to the following actions, consistent with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulations at 34 C.F.R. Part 104; Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulations at 28 C.F.R. Part 35; and Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulations at 34 C.F.R. Part 106; to resolve the compliance concerns identified for Complaint Number 06-15-1291.

### **A. ACTION ITEMS & REPORTING REQUIREMENTS:**

#### ***Section 504/Title II Grievance Procedures:***

##### **Action Item 1**

1. **By June 1, 2017**, the TCSD will review and revise its current Section 504/Title II grievance procedures to ensure that all complaints received, whether verbal or written, alleging discrimination on the basis of disability, are appropriately investigated and responded to as required by Section 504 and Title II and their implementing regulations. The policies/procedures will ensure a prompt and equitable response and resolution of complaints alleging disability discrimination including responsive actions taken by the TCSD to reasonably prevent recurrence and assure that students are not restricted in their participation or benefits. The TCSD shall ensure that the revised policies/procedures include, but are not limited to the following provisions:
  - a. The name, office address, and telephone number of the individual(s) designated by the TCSD to coordinate the District's efforts to comply with and carry out its responsibilities under Section 504 and Title II, including any investigation of any complaint communicated to the District alleging its noncompliance with or alleging any actions that would be prohibited by Section 504, Title II, or their implementing regulations;
  - b. Notice that the procedures apply to complaints alleging disability discrimination by employees, students, or third parties;
  - c. The opportunity for an adequate, reliable, and impartial investigation of all complaints;
  - d. Reasonably prompt timeframes established by the TCSD for the various stages of the complaint process;
  - e. Notification to the parties of the outcome of the complaint; and
  - f. An assurance that the TCSD will address any violations and take steps to prevent a recurrence of such violations.

### **Reporting Requirements: Action Item 1**

- a. **By June 1, 2017**, the TCSD will provide OCR, *for review and approval via email*, with copies of the revised Section 504/Title II policies and procedures referenced in Action Item 1 of the Agreement.
- b. Within **2 weeks** of receiving OCR's approval described in Reporting Requirement (a) for Action Item 1 of this Agreement, the TCSD will provide OCR with documentation evincing how, when, and by what means the revised policy was disseminated to students, parents, and employees.

### **Action Item 2**

2. **By September 1, 2017**, the TCSD will conduct mandatory Section 504 and Title II training for all faculty, staff, and administrators employed by the District. The training will highlight and include a review of the TCSD revised Section 504/Title II grievance procedures referenced above in Action Item I. The training will also focus on the TCSD'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 2**

- a. **By June 1, 2017**, and prior to the Section 504/Title II training, the TCSD will provide OCR, *for review and approval via email*, with a copy of the training module and/or outline of the training materials that the TCSD 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 TCSD will use to inform attendees of the mandatory training.
- b. Within **1 month** of receiving OCR's approval described in Reporting Requirement (a) for Action Item 2 of this Agreement, the TCSD will provide OCR with detailed information regarding the training of staff and the requirements of Section 504/Title II. The TCSD will provide OCR with sign-in sheets for all training sessions evidencing all staff who attended the training; the date the training session(s) were conducted; 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.

***Title IX Grievance Procedures:***

**Action Item 3**

3. **By June 1, 2017**, the TCSD will revise its policies and procedures with regard to investigating sex discrimination, sexual harassment, sexual violence, or any Title IX complaints to ensure it provides for a prompt and equitable response to complaints received, and for the maintenance of documents generated by the investigation of all complaints received regarding Title IX, sexual harassment, sexual violence, and sex discrimination. The TCSD will submit its revised policies and procedures to OCR for OCR's *review and approval via email*. The District will determine the processes necessary to ensure that the TCSD takes all steps reasonably designed to ensure that students enrolled in the TCSD are not subjected to sex discrimination, sexual harassment, sexual violence, or other discrimination prohibited by Title IX, and to respond promptly and appropriately to all allegations of sexual harassment, sexual violence, and discrimination on the basis of sex. The revised policies and procedures must, at a minimum, include a grievance procedure that provides the following:
  - a. The name, office address, and telephone number of the individual(s) designated by the TCSD to coordinate the District's efforts to comply with and carry out its responsibilities under Title IX, including any investigation of any complaint communicated to the District alleging its noncompliance with or alleging any actions that would be prohibited by Title IX or its implementing regulations;
  - b. Notice to students, parents of elementary and secondary students, and employees of the procedure, including where complaints may be filed;
  - c. Application of the procedure to complaints alleging harassment carried out by employees, other students, or third parties;
  - d. Adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence;
  - e. Designated and reasonably prompt timeframes for the major stages of the complaint process;
  - f. Notice to the parties of the outcome of the complaint; and
  - g. An assurance that the District will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the complainant and others, if appropriate.

**Reporting Requirements: Action Item 3**

- a. **By June 1, 2017**, the TCSD will provide OCR, *for review and approval via email*, with copies of the revised Title IX policies and procedures referenced in Action Item 3 of the Agreement.
- b. Within **2 weeks** of receiving OCR's approval described in Reporting Requirement (a) for Action Item 3 of this Agreement, the TCSD will provide OCR with documentation evincing how, when, and by what means the revised policy was disseminated to students, parents, and employees.

#### **Action Item 4**

4. **By September 1, 2017**, the TCSD will conduct mandatory Title IX training for all faculty, staff, and administrators employed by the District. The training will highlight and include a review of the TCSD revised Title IX grievance procedures referenced above in Action Item 3. The training will also focus on the TCSD's obligation to abide by the requirements of Title IX. Additionally, the training will include, but is not limited to, the investigation and resolution of allegations of sexual harassment, sexual violence, and any other conduct prohibited by Title IX, as well as policies and procedures for addressing and preventing incidents of sex discrimination to ensure that the TCSD's policies, procedures, and practices are administered consistently with Title IX. The training will be conducted by a person(s) knowledgeable about the requirements of Title IX.

#### **Reporting Requirements: Action Item 4**

- a. **By June 1, 2017**, and prior to the Title IX training, the TCSD will provide OCR, *for review and approval via email*, with a copy of the training module and/or outline of the training materials that the TCSD 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 TCSD will use to inform attendees of the mandatory training.
- b. Within **1 month** of receiving OCR's approval described in Reporting Requirement (a) for Action Item 4 of this Agreement, the TCSD will provide OCR with detailed information regarding the training of staff and the requirements of Title IX. The TCSD will provide OCR with sign-in sheets for all training sessions evidencing all staff who attended the training; the date the training session(s) were conducted; 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.

#### **B. GENERAL TERMS & PRINCIPLES:**

The TCSD understands that by signing the Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this agreement. Further, the recipient understands that, during the monitoring of the Agreement, OCR may visit the recipient, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the recipient has fulfilled the terms of the Agreement and is in compliance with the statute(s) and regulations that were at issue in this case.

The TCSD understands that OCR will not close the monitoring of the Agreement until such time that OCR determines that the recipient has fulfilled the terms of the Agreement and is in compliance with the statutes and regulations that were at issue in this case.

The TCSD understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR shall give the recipient written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

The TCSD is subject to Section 504, Title II, and Title IX because it receives Federal financial assistance from the Department and is a public entity. Further, the TCSD assures the Department that it will operate its programs and activities in compliance with Section 504, Title II, and Title IX.

This Agreement does not constitute an admission by the TCSD that it discriminated or otherwise engaged in any wrongdoing. The District hereby voluntarily commits and agrees to the General Terms and Principles, Action Items, and Reporting Requirements within this Agreement.

### **C. EXECUTION:**

On behalf of the Tunica County School District, I hereby agree to and voluntarily submit this Resolution Agreement to the U.S. Department of Education, Office for Civil Rights, Dallas Enforcement Office, and commit the TCSD to the general terms, principles, action items, and reporting requirements contained herein.

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Printed Title & Name of Authorized TCSD Official

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Date

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Signature of TCSD Official