

Resolution Agreement
Rankin County School District
OCR Complaint #06-17-1941

The U.S. Department of Education, Office for Civil Rights, (OCR) and the Rankin County School District (the District) enter into this resolution agreement (Agreement) to resolve the allegations in the above-referenced complaint. 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.

Action Item #1 – District Policy and Procedure Revisions

The District will revise its existing District policies and procedures for conducting an evaluation before taking any action with respect to any subsequent significant change in placement of a student who needs or is believed to need special education or related services, to ensure compliance with 34 C.F.R. § 104.35.

Reporting Requirement #1

- a) **Within 120 days** after the signing of this Agreement, the District will provide to OCR a draft of its revised policies and procedures for OCR’s review and approval.
- b) **Within 60 days** after the District receives OCR’s approval of the revised policies and procedures, the District will provide documentation to OCR reflecting adoption of the OCR-approved revised policies and procedures and updated its online publications (inserts may be used for written publications). This documentation will include, at a minimum, a link to all online publications containing the revised policies and procedures.

Action Item #2 – Learning Center Referral Tracking

The District will develop a policy to track the amount of time a qualified student with a disability spends in the Learning Center to ensure that a student’s total time spent at the Learning Center does not exceed the initial placement determination’s duration without convening a group of persons knowledgeable about the student in question for any subsequent significant changes in student placement, in accordance with 34 C.F.R. § 104.35.

Reporting Requirement #2

- a) **Within 120 days** after the signing of this Agreement, the District will provide to OCR a draft of its policy for OCR’s review and approval.

- b) **Within 60 days** after the District receives OCR’s approval of the revised policy, the District will provide documentation to OCR to substantiate that it has adopted the OCR-approved revised policy.

Action Item #3 – Training of District Personnel

The District will provide training to all District school level administrators, faculty members, counselors, and other employees related to providing special education and related aids and services regarding its obligations pursuant to Section 504 and Title II, to provide a free and appropriate public education to all qualified students with disabilities residing within its jurisdiction. The training shall include, but not be limited to, the evaluation requirements for students who need or are believed to need special education or related services when a significant change in placement is contemplated, and new District policies for taking any action with respect to any subsequent significant change in placement of a student who needs or is believed to need special education or related services. The training will be conducted by individuals knowledgeable about the laws and issues pertaining to disability discrimination, as well as the evaluation and reevaluation of students who are or are believed to be disabled.

Reporting Requirement #3

- a) **Within 120 days** of the signing of this Agreement, the District will submit to OCR, for review and approval, its proposal for complying with Action Item 3 above. Specifically, the District will provide to OCR the name(s) and credentials of the individual(s) who it proposes to conduct the training session(s), and copies of the proposed materials the District intends to use at the training session(s).
- b) **Within 90 days** of OCR’s approval of the individual(s) and materials referenced in Reporting Requirement 3(a), the District will provide the training listed in Action Item 3 above.
- c) **Within 60 days** of the completion of the training referenced in Reporting Requirement 3(b), the District will provide OCR with documentation demonstrating that it has timely completed Action Item 3 above. Specifically, the District will provide to OCR the names of all individuals who attended the training session(s), the date(s) and time(s) the training session(s) occurred, the name(s) and credentials of the individual(s) who conducted the training session(s), and copies of the materials disseminated at the training session(s).

Action Item #4 – Evaluation of the Student

The District shall offer to convene a group of persons knowledgeable about the Student (Group) to determine if the Student’s conduct resulting in the disciplinary placements referenced below was a manifestation of the Student’s disability, and whether the District’s failure to conduct an evaluation prior to a subsequent significant change in placement during the 2017-2018 school year necessitates any change to the Student’s current placement, contingent upon the Student’s

return to the District. The Group shall also determine whether the Student needs compensatory and/or remedial services as a result of the following:

- 1) [X---redacted until end of sentence---X]
- 2) [X---redacted until end of sentence---X]
- 3) [X---redacted until end of sentence---X]

Reporting Requirement #4

- a) **Within 30 days** after the signing of this Agreement, the District will submit to OCR evidence of the following: 1) the District sent a letter, via certified mail, to the Complainant offering the opportunity [X---redacted until end of paragraph---X].
- b) **Within 60 days** of receiving the Complainant's response to the letter referenced in Reporting Requirement 4(a), if the Complainant notified the District [X---phrase redacted---X], the District will submit to OCR a report documenting the following: 1) whether the Complainant consented to the evaluation of the Student for compensatory and/or remedial services under Section 504, IDEA, etc.; 2) the time and date the Group convened to consider the Student's placement; and 3) documentation reflecting that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34 and 104.35, in making this determination.
- c) **Within 30 days** of the District convening the group of persons knowledgeable about the Student, the District will submit to OCR documents supporting the group's decision. The documentation submitted shall include the participants in the meeting, an explanation of the decision made, the information considered, a description of any change in the Student's placement, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student. The District shall also notify the Complainant, via certified mail, of its determination.
- d) **Within 60 days** of rendering any compensatory services to the Student determined necessary by the Group, and for which the Complainant has provided consent, the District will submit to OCR documents evidencing the delivery of the compensatory services, described in Reporting Requirement 4(c).

Action Item #5 – Disciplinary Actions on Permanent Record of the Student

The District will: 1) conduct a review of the Student's permanent record; and 2) consider removing any disciplinary actions (e.g., detentions, suspensions, Learning Center referrals) taken against the Student in the [XXXX XXXX] school year where the District determined that the Student's conduct was a manifestation of his disability, contingent upon [X---phrase redacted---X] District's evaluation referenced in Action Item 4 above.

Reporting Requirement #5

- a) **Within 30 days** of signing this Agreement, the District will provide to OCR with the District's determination and documentation of the District's submitted request to the Mississippi Department of Education (Mississippi DOE) to alter the Student's record, if applicable. Such documentation shall include all requested alterations.
- b) **Within 120 days** of submitting the request in Reporting Requirement 5(a), the District will provide to OCR evidence of the Student's revised permanent record.

Action Item #6 – Compensatory Services Review for Students at [XXXX XXXX]

The District shall review the disciplinary files of all students at [XXXX XXXX] School who currently need or are believed to need special education or related services to determine if the District conducted an evaluation before any initial or subsequent significant change in placement for those students, in accordance with 34 C.F.R. § 104.35, during the 2017-2018 school year.

Upon completion of this review, the District will convene a meeting of a group of persons knowledgeable of each student identified to determine whether the individual student needs compensatory and/or remedial services as a result of the District not conducting an evaluation prior to the identified significant change(s) in placement.

Reporting Requirement #6:

- a) **Within 120 days** of the signing of this Agreement, the District will provide to OCR a list of all students at [XXXX XXXX] School whom the District has identified as 1) currently needing or is believed to need special education or related services, and for whom the District 2) did not conduct an evaluation prior to a significant change in placement.
 - i. For each student identified in Reporting Requirement 6(a), the District will include the number of times a student's placement was significantly changed without the District conducting an evaluation, the amount of days each significant change in placement lasted, and a description of the placement change that occurred. b (i.e., "Student X. Number of Times Placement Changed Without Evaluation: 1. Days: 10. Description: Student X received 10 day out of school suspension.").
- b) **Within 60 days** of the District providing OCR with the list referenced in Reporting Requirement 6(a), the District will provide to OCR documentation showing that a compensatory services evaluation was held for all students identified in Reporting Requirement 6(a). The documentation submitted shall include, for each student, the participants in the meeting, an explanation of the decision made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services (if any) to each student. The District shall also notify the parents or guardians of each student, via certified mail, of its determinations and the proposed services (if any), and provide a copy of the certified mail receipts.

- c) **Within 60 days** of rendering all compensatory services to all students identified as needing compensatory services, if applicable, the District will submit to OCR documents evidencing the delivery of the compensatory services, described in Reporting Requirement 6(b), to each student.

Action Item #7 – Removal of Discipline for Students at [XXXX XXXX]

The District will 1) conduct a review of the permanent record of all students identified in Reporting Requirement 6(a) and 2) remove any disciplinary actions (e.g., detentions, suspensions, Learning Center referrals) taken against the students identified in the 2017-2018 school year where the District failed to provide the required evaluation for each student prior to the identified significant changes in placement.

Reporting Requirement #7

- a) **Within 30 days** of signing this Agreement, the District will provide to OCR with the District's determination and documentation of the District's submitted request to the Mississippi Department of Education (Mississippi DOE) to alter any students identified in Reporting Requirement 6(a) record, if applicable. Such documentation shall include all requested alterations.
- b) **Within 120 days** of submitting the request in Reporting Requirement 7(a), the District will provide to OCR evidence of the Student's revised permanent record.

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 and Title II.

The District also 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 the Agreement. Further, the District understands that during the monitoring of the Agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as necessary for OCR to determine whether the District has fulfilled the terms of the Agreement. Upon the District's satisfaction of the commitments made under the Agreement, OCR will close the 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 proceeding 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.

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Dr. Sue Townsend, Superintendent
Rankin County School District

Date