



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1999 BRYAN ST., 1620
DALLAS, TX 75201-6810

REGION VI
LOUISIANA
MISSISSIPPI
TEXAS

RESOLUTION AGREEMENT
Hinds County School District
OCR Ref. No. 06201067

A. GENERAL TERMS & PRINCIPLES

OCR and the Hinds County School District (HCSD, District) enter into this agreement to resolve the allegations in the above-referenced complaints. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by HCSD.

HCSD 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 (Section 504), as amended, 29 U.S.C. § 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. §§ 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 investigations, HCSD agreed to resolve the issues of these investigations pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to resolve the issues of these investigations, HCSD agrees to take the following actions.

B. STUDENT REMEDIES

Action Items – Evaluation and Placement

By **March 30, 2020**, the District will conduct a preplacement evaluation of the Student consistent with the requirements of Section 504, at 34 C.F.R. § 104.35(a) and (b) and, consistent with the requirements of Section 504, at 34 C.F.R. § 104.35(c), convene a group of persons knowledgeable about the child, the meaning of the evaluation data, and the placement options (Committee) for a meeting (Meeting) in order to determine:

1. Whether the Student qualifies as a student with a disability under Section 504;
2. Whether the Student requires special education, and/or related services (i.e. "accommodations"), to ensure that they receive a free, appropriate public education (FAPE).

If the Committee determines that the Student does require special education or related services, during the Meeting the Committee will also determine whether the Student requires any compensatory and/or remedial services to address any deficiencies resulting from the absence of special education or related services during the 2019-2020 school year, and if so, create a plan to ensure that such services are provided on or before June 1, 2020. The District will provide written notice to the Student's parents inviting them to attend the Meeting, and will provide the Student's parent(s)/guardian(s) with notice of their procedural safeguards under Section 504, including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements

a. By **April 1, 2020**:

1. The District will submit to OCR documentation of the evaluation conducted pursuant to Action Item 1. The documentation submitted will include:
 - i. A list of all participants in the Meeting (including names and titles);
 - ii. Copies of all documentation and information considered during the Meeting (i.e. preplacement evaluation data, etc.);
 - iii. Minutes or notes from the meeting;
 - iv. Documentation of the District's notification of and invitation to the Student's parents to attend the meeting, notice of procedural rights under Section 504 provided to the Student's parents, and accompanying transmittal records (e.g. certified mail, email record);
 - v. If the Committee determines that the Student requires special education and/or related services in order to receive a FAPE, a copy of any plan or record setting forth what such special education and/or related services were agreed upon by the Committee (e.g. Individual Education Plan (IEP), 504 Plan, Behavioral Intervention Plan (BIP), etc.);
 - vi. If the Committee determines that compensatory and/or remedial services are necessary for the Student, a copy of the plan or schedule created which ensures that such services will be provided on or before **June 1, 2020**.

b. If compensatory and/or remedial services are deemed necessary by the Committee, by **June 15, 2020**, the District will provide OCR with documentation that all such services have been provided. Such documentation will include, at a minimum:

- a. The names, titles, and contact information of all staff that provided services;
- b. The dates and times that each type of services was provided;
- c. Copies of documentation generated in the course of providing the compensatory/remedial services (e.g. sign in logs, student work, etc.), if any.

C. EXECUTION

HCSD understands that, by signing this Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, HCSD understands that, during the monitoring of this Agreement, if necessary, OCR may visit HCSD, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether HCSD has fulfilled the terms of this Agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. § 104.21, and Title II implementing regulation at 28 C.F.R. § 35.149. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

HCSD 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 HCSD 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 HCSD's representative below.

Delesicia Martin, Superintendent
Hinds County School District

Date