



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

Renaissance Tower
1201 Elm Street, Suite 1000
Dallas, TX 75270

REGION VI
LOUISIANA
MISSISSIPPI
TEXAS

RESOLUTION AGREEMENT
DeSoto County School District
OCR Complaint No. 06-23-1590

The U.S. Department of Education, Office for Civil Rights, (OCR) and the DeSoto County School District (the District) enter into this agreement (Agreement) to resolve the above-referenced complaint. 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. § 794, and its implementing regulations, 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 regulations, at 28 C.F.R. Part 35.

A. ACTION ITEMS & REPORTING REQUIREMENTS:

Action Item 1 – Conduct Section 504/Title II Training for School Staff

The District will conduct staff training at [redacted content] (the School) regarding the District's responsibilities under Section 504 and Title II. The training must be provided to all staff at the School, including, but not limited to, administrators, teachers, and counselors. Additionally, the training will be conducted by individuals knowledgeable about the laws and issues pertaining to Section 504 and Title II and may be delivered to District employees in an electronic format and/or multiple sessions. At a minimum, the training will address the District's responsibility to provide a free and appropriate public education (FAPE) to qualified students with disabilities in the District's jurisdiction; which includes appropriately identifying, evaluating, and placing students who are believed to need or need special education and related services; providing appropriate regular or special education and related aids and services; and reevaluating a student's educational placement periodically and with respect to subsequent significant changes in placement; pursuant to the Section 504 and Title II implementing regulations respectively located at 34 C.F.R. §§ 104.33–104.35 and 28 C.F.R. § 35.130.

Reporting Requirements: Action Item 1

- a. **By August 31, 2023**, the District will provide OCR, for review and approval via email prior to conducting the training described in Action Item 1, information regarding such training, including, but not be limited to: a copy of all training modules, handouts, and materials that will be utilized during the training session(s); the name(s), credentials,

and contact information of the individual(s) who will conduct the trainings; and a proposed plan(s)/notification(s) that the District will use to inform attendees of the mandatory training session(s) (e.g., topics to be discussed).

- b. **Within sixty (60) calendar days** after OCR approves the training information described in Reporting Requirement (a) for Action Item 1 of this Agreement, the District will conduct the training, as approved by OCR, for all School staff specified in Action Item 1 and will provide OCR with detailed information regarding the training. This information will include, but not be limited to, sign-in sheets for all training session(s) 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(s), credentials, and contact information of the individual(s) who provided such training.

Action Item 2 – Reevaluate & Provide Services to the Student¹ pursuant to Section 504/Title II

After providing proper written notice to the Student's parent or legal guardian, **by September 15, 2023**, the District will convene a group of knowledgeable persons to evaluate the Student in accordance with Section 504/Title II.

- a. As part of its meeting, the group of knowledgeable persons will determine whether the Student needs compensatory and/or remedial services as a result of whether and how the District provided services to the Student during the [redacted content] school year.
- b. If the District determines that the Student needs compensatory and/or remedial services, **within 2 weeks** of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond **the end of the 2023-2024 school year**. The District will set forth the regular or special education and related aids, services, and placements in a written Section 504 Plan or written Individualized Education Program (IEP) and commence providing the services. The District will provide the Student's parent or legal guardian with notice of the District's procedural safeguards, including the right to challenge the group's determination of the need for compensatory and/or remedial services through an impartial due process hearing or the right to request an independent education evaluation (IEE) at public expense should the parent or legal guardian disagree with the results of the District's comprehensive evaluation.
- c. The determination of the need for compensatory and/or remediation services is made by the student's IEP team. The specific determination or provision of compensatory and/or remedial services will depend on the individual circumstances of the students and his unique needs.

Reporting Requirements: Action Item 2

- a. **By October 15, 2023**, the District will submit to OCR documentation which evidences its completion of a Section 504/Title II evaluation of the Student and the District's decision regarding the Student's eligibility for services pursuant to Section 504/Title

¹ OCR conveyed the Student's identity to the District within the Initial Data Request issued in this case.

II, including a copy of the Section 504 Plan or IEP prepared for the Student. In addition, the District will submit to OCR documentation that notice of procedural safeguards was provided to the Student's parent or legal guardian.

- b. **Within 2 weeks** of the decision as to whether compensatory and/or remedial services are needed in accordance with Action Item 3, 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.
- c. Following the adoption of any plans by the District in order to comply with Action Item 3 of this Agreement, the District will provide documentation to OCR that any compensatory and/or remedial services deemed necessary to meet the Student's individual educational needs have, in fact, been d and, if not, a detailed schedule to ensure that any compensatory and/or remedial services deemed necessary are provided no later than the end of the 2023-2024 school year. If the District is prevented from providing compensatory and/or remedial services that the District determined to be needed, the District will provide documentation to OCR demonstrating the District's efforts to provide the services and the barriers to providing the services. Documentation of such implementation of compensatory and/or remedial services will be provided to OCR at regular intervals commensurate with the duration and scope of services rendered, and **no later than 10 days after the end of the 2023–2024 school year**.

B. GENERAL TERMS & PRINCIPLES:

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 and obligations of this Agreement.

The District also understands that OCR will not close the monitoring of this Agreement until such time as OCR determines that the District is in compliance with the terms of this Agreement and the statutes and regulations at issue in this case.

The District understands that OCR may initiate administrative enforcement proceedings or refer the case to the DOJ for judicial proceedings to enforce the specific terms of the agreement and the applicable statutes and regulations. Before initiating such proceedings, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

C. EXECUTION:

This Agreement will become effective immediately upon the signature of the District's representative below.

Mr. Cory Uselton, Superintendent
DeSoto County School District

Date