



Mississippi Department of Education

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November 22, 2010

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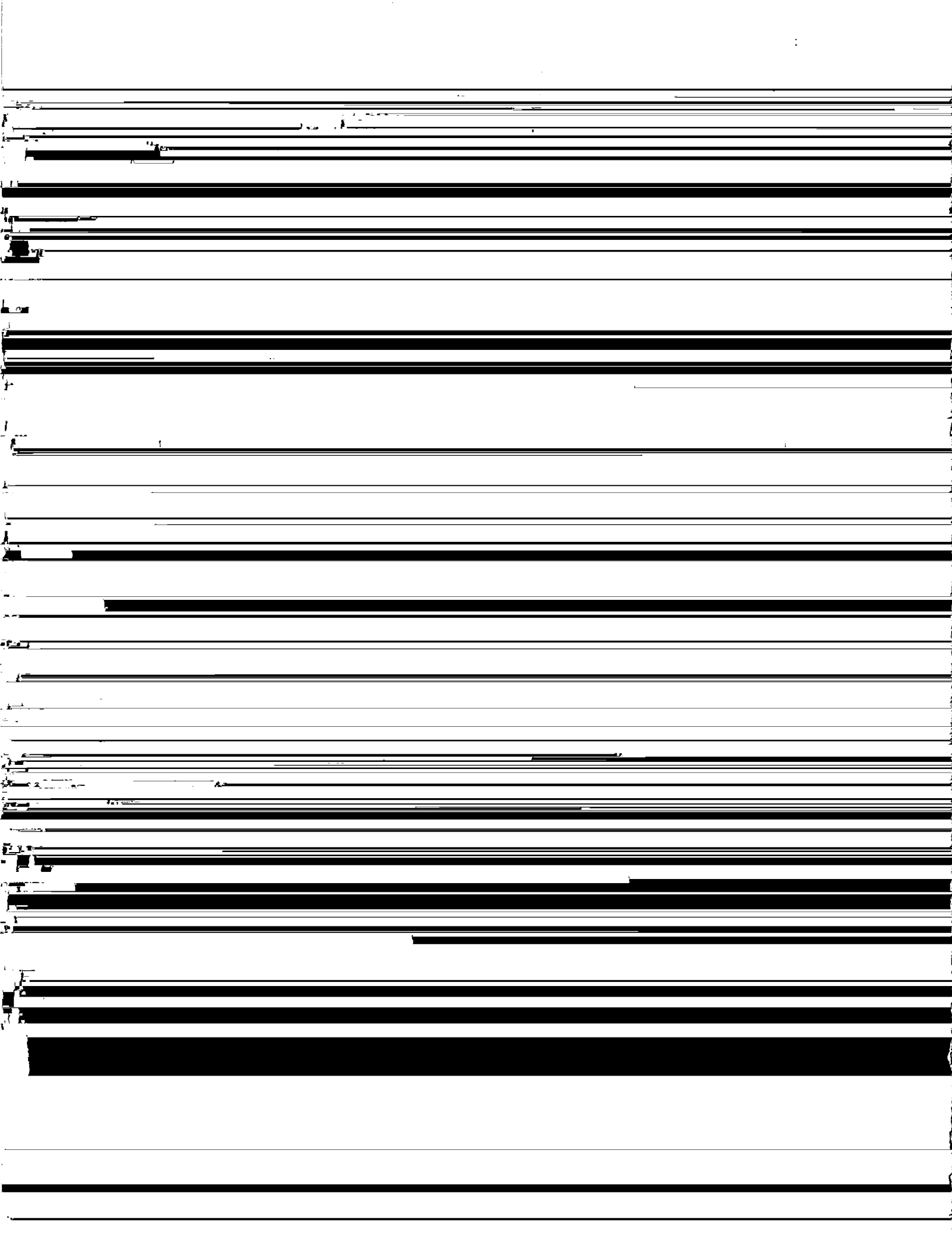
Findings and Decision with Regards to the State Administrative Complaint

Against the Jackson Public School System

November 22, 2010

Sequence of Events

September 8, 2010: State Administrative Complaint (Complaint) filed by the Mississippi Youth
Center for the Deaf and Hard of Hearing (MYCHDHH) on District Under



Findings:

A review of all Petitioners' 2009-2010 school records revealed that each of these students presented with a previous history of behavioral concerns. However, given their ongoing [redacted] number of case files revealed little or no evidence of direct

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Services necessary for assisting in developing positive behavioral intervention strategies and adequately meeting each student's unique behavioral and/or emotional needs.

Timeline: No later than 30 days from receipt of this Decision.

Corrective Action:

2. JPSS shall develop a roster of students meeting the above-mentioned criteria for receiving Related Services

Corrective Action:

3. JPSS shall begin provision of Related Services for the students meeting the above-mentioned criteria.

Timeline: No later than 30 days from receipt of this Decision.

Corrective Action:

4. JPSS shall develop and implement consistent, district-wide behavioral procedures for gathering data necessary for accurately monitoring students' behavioral progress toward IEP behavioral/emotional/social goals and objectives for making data-based

Timelines:

a. JPSS shall initially arrange for and/or provide IDEA discipline training for school administrators no later than 60 days from receipt of this Decision.

b. JPSS shall arrange for and/or provide on an on-going basis, annual IDEA discipline

training.

c. JPSS shall arrange for and/or provide continuing IDEA discipline training on an annual basis for new administrators.

Compensatory Services:

1. JPSS will reconvene IEP Committees to arrange for the provision of compensatory Related Services for all identified Petitioners. The determination of appropriate, compensatory

student attendance.

Timeline: No later than 60 days from receipt of this Decision.

Dispute Resolution: ~~IPSS denied FAPF by failing to comply with IDEA Discipline~~

(thus prompting the need for an FBA/BSP), providing the behavior is not seriously threatening or criminal in nature, he/she should be provided with alternative techniques/consequences that directly focus on remediating the social skill deficit(s) in

question (e.g., requiring a student to forfeit a free period to write a letter of apology to

social skill lessons related to respect and cooperation with peers during several in-school or after-school detention periods). In sum, in all cases reviewed, JPSS

if a detailed plan for how strategies and/or accommodations to increase/teach

the students failed to respond to behavioral supports. Furthermore, such practices question

whether the students' IEPs had been effectively implemented, as there are

b. In many cases where MDRs resulted in students being placed (regardless of manifestation

Corrective Action:

2. JPSS shall develop and implement written strategies for identifying any student with a disability who failed one or more academic subjects during the 2009-2010 school term and/or

with a disability who is failing one or more academic subject(s) during the

challenging, many students will likely display some form of escape-maintained behaviors

2. Allegation that JPSS has systematically failed to consider positive behavior interventions and supports

Findings:

- a. JPSS is in the second year of district-wide implementation of a PBIS initiative over the course of the next two school years to incorporate both school-wide and supplemental (Tier 2) behavioral supports. Further, relative to behavioral supports, the majority of BSPs reviewed included many excellent positive and proactive behavioral strategies and recommendations. These plans also specify who is responsible for implementing the strategies and the frequency of implementation. However, as previously noted, it is questionable as to whether positive strategies in the RSPs reviewed are specific enough to

for reinforcing the occurrence of desired replacement behaviors (e) specific strategies for

academic). Such a review shall take into account data related to progress monitoring,

Such procedures shall provide for ongoing documentation of such reviews, and be maintained in student IEP files. Finally, JPSS will develop strategies to ensure that staff document the strategies and accommodations and/or methods of differentiation afforded the student during any grading period where academic failure occurs.

7. The student shall be reviewed 60 days from receipt of this Decision.

necessary for ensuring services in the students' LRE. Therefore, the MDE determines that JPSS is not compliant with 34 CFR 300.101, 300.114, and SBP 7219 §§ 300.101, and 300.114.

Corrective Action:

1. JPSS will develop policies and procedures for ensuring that all students with

[REDACTED]

Corrective Action:

6. JPSS shall assess at the end of each grading period, the status of behavioral support
1000 - 1000000000 for students

(f) a clear and specific plan of exactly how compliance/fidelity will be monitored and who will be responsible for doing so.

Final Decision No later than 60 days from receipt of this Decision

- b. JPSS shall implement ongoing curriculum-based assessments in Reading, Mathematics, and/or Writing to monitor progress (i.e., present and past levels of functioning) for each grading period for students who meet the above criteria.

H. JPSS Has Failed to Provide Appropriate Transition Plans for Students with Disabilities (34 CFR 300.101, 300.320 through 300.324 and SBP 7219 §§ 300.101, 300.320 through 300.324)

Findings:

A review of the Petitioners' case files revealed that in 100% of cases, there were insufficient and/or non-meaningful transition plans evident in student IEPs that would predict a clear course of action necessary for successful school to work/community transitions. Although ~~flexible strategies were indicated, these strategies generally consisted of a few short~~

Timelines:

WFS will develop systematic procedures for developing transition plans and services no

later than 30 days from the receipt of this Decision.

WFS will develop systematic procedures for the development of transition plans as

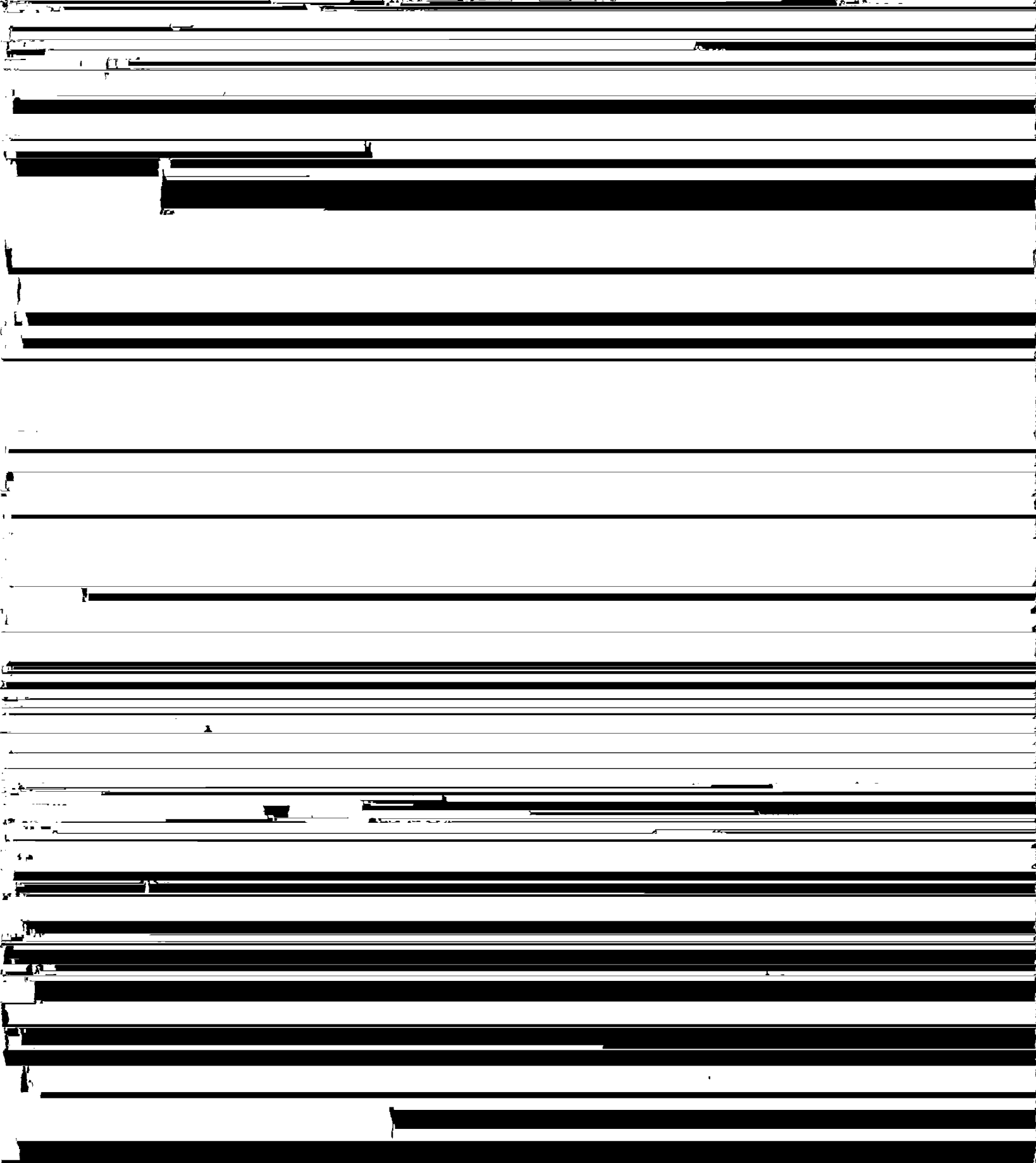
Corrective Actions:

1. JPSS shall develop and implement specific strategies and procedures for determining eligibility for ESY services for all students with disabilities enrolled in JPSS by documenting the use of objective and quantifiable data (i.e., ODR's, suspension rates, on-going behavior progress monitoring, current skill levels, on-going academic progress monitoring data, current academic grades, and curriculum-based measures).

[REDACTED]

[REDACTED]

3. Develop and implement specific written policies and procedures whereby the JPSS will



Corrective Action:

1. Implement specific written policies and procedures for providing

[REDACTED]