

## MEDIATION AGREEMENT

DATE: August 16, 2007

SCHOOL SYSTEM: Holmes County School System ("HCSD")

Re: Administrative Complaint Regarding Systemic Allegations of Violations of the Individuals with Disabilities Education Improvement Act in Holmes County Public School System on Behalf of

L.A., W.J., J.P., J.L., K.C., J.M., S.M., R.W., L.G.,  
and D.B.,  
All Similarly Situated and Treated Students with Disabilities (identified and not yet identified)

### AGREEMENT

We, the undersigned, having participated in a mediation session on August 16, 2007 and being satisfied that the provisions of the resolution of our dispute are fair and reasonable, hereby agree to abide by and fulfill the following:

1. HCSD shall appoint an educational consultant at their own expense to direct, monitor, implement, evaluate, and monitor a Corrective Action Plan to address: ESY, LRE, transition, education benefit, discipline, related services, and child find issues. The educational consultant will conduct intensive trainings in the district for a minimum of three years and a minimum of three times per month (on average). The educational consultant will submit in writing a quarterly progress report and meet quarterly with the "interested parties" (hereinafter defined as: any representative of Citizens for Quality Education, Mississippi Youth Justice Project, and HCSD) to report on development, evaluation, and implementation of the corrective action plan.
2. HCSD, with the educational consultant, will develop and implement a systematic training program/protocol which includes:
  - a. The implementation of a school-wide Positive Behavior Intervention and Support program (PBIS) at all school sites which includes all pupil appraisal staff, teachers, paraprofessionals, disciplinarians, school administrators, and other educational service providers working at schools which serve students with disabilities.
  - b. The development of functional behavioral assessments (FBAs)
  - c. The development and implementations of behavior intervention and modification plans (BIPs)
  - d. Conducting of manifestations determination reviews.


3. HCSD will work cooperatively with the interested parties to review and if necessary, revise the current method of identifying students suspected of being children with disabilities in accordance with the guidelines under IDEA and train teachers, administrators, and psychometrists to implement the new system.
4. HCSD, with the input of the Educational Consultant, shall conduct a review or audit of the number of disciplinary removals (in-school-suspension, out-of-school suspension, and alternative school placement) and arrests of its students. Based on the findings in the review audit the Educational Consultant shall issue a report with specific recommendations from the Educational Consultant for addressing these students' behavioral programming and develop specific strategies with the interested parties for reducing the number of suspensions, expulsions, arrests, and more restrictive placements.
5. With the input of the Educational Consultant, HCSD will, with the school board's approval, develop specific school system policies that are disseminated and enforced by the Superintendent to all school building administrators including principals, vice-principals, and disciplinarians outlining and mandating strict compliance with IDEA's discipline requirements including the requirements of Manifestation Determination Reviews; providing IEP services upon reaching the 11<sup>th</sup> cumulative day of out-of school suspensions; development of appropriate FBAs; development of BIPs involving positive behavioral supports, strategies and services; review and modification of BIPs after every 10 days of suspensions.
6. HCSD IEP teams will make decisions with parents in a timely manner for extended school year eligibility based upon the individual needs of the students.
7. HCSD and the Educational Consultant will review the individualized education programs of all students who will turn 16 during the 2007-2008, 2008-2009, and 2009-2010 school years to provide meaningful transition planning based upon their individual need and the interest of the student.
8. With the input of the Educational Consultant, HCSD will, with school board approval develop a system wide policy which is disseminated by the Superintendent to all school building administrators including principals, vice-principals, secretaries and office staff outlining IDEA's requirements regarding parents' right to review and inspect records to allow full participation in the IEPs of their children with disabilities.
9. With the input of the Educational Consultant, HCSD will develop and implement specific annual strategies and objectives for significantly reducing the number of students with disabilities in self-contained classrooms while increasing the number of students with disabilities in the general education setting.

10. HCSD will place certified special education teachers in regular education classrooms in order to accommodate the ability of students with disabilities to succeed in regular education settings.
11. HCSD will place certified special education teachers in the self-contained classrooms and its alternative schools to allow effectively developed IEPs to confer meaningful educational benefit.
12. With the input of the Educational Consultant, HCSD will significantly increase the frequency and duration of social work/counseling/psychological related services provided to students with disabilities who manifest behavior problems and are subject to repeated disciplinary removals and/or placement in alternative school settings within HCSD. The district will also ensure decisions involving such related services are based upon individual student needs and not staff availability. The district will ensure that related services are indicated on the IEP and provided in a collaborative manner as required by law.
13. With the input of the Educational Consultant, HCSD will work with the interested parties as defined herein to develop specific strategies and objectives for implementing intensive reading/math remediation programs for students with disabilities and make such programs available to students with disabilities who are more than two years behind to ensure that they are reading and performing math functions at or within one year of their chronological grade level as measured by a curriculum based measurement or until they exit.
14. HCSD will ensure that families are provided access to special education and related services trainings in accordance with 34 C.F.R. § 300.617 of the Procedural Safeguards section of IDEA.
15. HCSD has already developed a "Special Education Advisory Panel" which consists of parents, general and special education teachers, community action agencies, school board members, principals, the district psychometrist, child finder, employment facilitator, Educational Consultant and Program Director. It shall be expanded to include the interested parties named herein and the petitioners in this complaint. The Special Education Advisory Panel will review and have input on proposed special education policies, review monitoring reports quarterly and make recommendations to the HCSD Special Education Program and to the Educational Consultant.
16. The parties shall submit three names of Educational Consultants qualified for this position in writing to each other in writing by August 24, 2007. A conference call shall be conducted between the parties on August 31, 2007 to determine which of the six suggested Educational Consultants shall be hired by HCSD. The name of the Educational Consultant shall be submitted to the HCSD School Board no later than

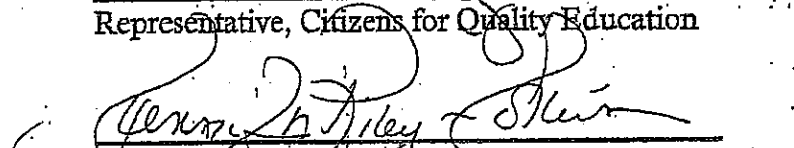
September 21, 2007 and the Educational Consultant's contract shall be in place with HCSD no later than October 15, 2007.

Agreed to by:

  
Linda McMullen, Ed.D.  
Holmes County School District Representative

  
Aly S. Owsen  
Counsel for Holmes County School District

  
Alan Bell  
Representative, Citizens for Quality Education

  
Penny Wiley  
Counsel for Parents, Mississippi Youth Justice Project