



U.S. Department of Justice

Civil Rights Division

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DJ 168-40-65

Special Litigation Section - PHB  
950 Pennsylvania Ave, NW  
Washington DC 20530

June 26, 2019

**VIA EMAIL AND FIRST CLASS MAIL**

Chelsea L. Chicosky  
Special Assistant Attorney General  
Counsel to the Mississippi Department of Education  
Post Office Box 771  
Jackson, MS 39205-0771

Re: Leflore County Juvenile Detention Center School

Dear Ms. Chicosky:

We write to notify you that the Department of Justice is closing its investigation of the Leflore County Juvenile Detention Center School (“Detention Center School”), which we conducted pursuant to Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997, and the pattern or practice provision of the Violent Crime Control and Law Enforcement Act of 1994, 34 U.S.C. § 12601 (formerly codified at 42 U.S.C. § 14141).<sup>1</sup>

We recognize that the State has made many improvements at the Detention Center School over the course of our involvement. The State has worked to ensure that youth with disabilities at the Detention Center School are identified, evaluated, and provided a free appropriate public education (“FAPE”), as required by the Individuals with Disabilities Education Act (“IDEA”), 20 U.S.C. §§1400-1482, and regulations promulgated for Part B of IDEA, in 34 C.F.R. § 300, *et seq.*

Since we informed the State of the result of our investigation, which identified deficiencies in the Detention Center School’s compliance with the IDEA, we engaged in on-site visits, document review, conversations with State and County administrators and staff, and interviews of numerous youth. Based on these activities, the United States has determined that the Leflore County Juvenile Detention Center School has implemented sufficient remedies to address the deficiencies we identified, and that continuing our investigation is no longer necessary.

Specifically, the Detention Center School has made strides to improve practices in three areas: (1) implementing appropriate Child Find policies to identify, locate and evaluate children

<sup>1</sup> This letter addresses only our investigation of the State of Mississippi’s role in providing educational services to youth at the Leflore County Juvenile Detention Center, not Leflore County’s obligations under an ongoing consent decree addressing safety and security claims. *See* Settlement Agreement and Order Between the United States and Leflore County, Mississippi, *United States v. Leflore Cnty., Mississippi*, No. 4:15-cv-00059-DMB-JMV, Dkt. # 10 (N.D. Miss. June 18, 2015).

with disabilities; (2) promptly obtaining students' Individualized Education Programs ("IEPs") and related records from their home schools; and (3) providing students with the educational services described in their IEPs.

First, with respect to Child Find, the Detention Center School has revised its policies and procedures to better identify youth at the Detention Center School who may have disabilities. The Detention Center School has updated its intake form with questions for both the youth and the youth's parent/guardian that are designed to elicit information about potential disabilities and the need for special education services. The Detention Center School has also implemented a process to regularly review youth educational records and other information to determine whether the youth should be evaluated for special education services. These new procedures have resulted in the Detention Center School's identification of students who may have a disability and referrals for special education evaluations, as required by IDEA.

Second, the Detention Center School has implemented procedures to ensure the school promptly receives academic records, including IEPs, from the youth's home schools. The Detention Center School requests student records on the first school day that the student is detained, and, if necessary, notifies representatives from the Mississippi Department of Education if records are not promptly provided. Based on our record reviews, it is now rare for a home school to fail to provide records within 24 to 48 hours.

Third, the Detention Center School has developed policies and practices to ensure students receive the educational services described in their IEPs. For example, the Detention Center School has developed and implemented a thorough process for reviewing IEPs from the students' home schools to ensure that the IEPs are current, complete, and operable. The Detention Center School identifies any related services required by IEPs and ensures that services are scheduled and provided. The Detention Center School now also ensures that classroom instruction incorporates the accommodations and modifications required by IEPs.

In addition to these substantive changes, the Detention Center School drafted general education and special education policy manuals so that policies and practices are memorialized for current and new members of the school's education team.

We appreciate the State's cooperation throughout our investigation. Key personnel at the Mississippi Department of Education ("MDE"), the Leflore County School District (while under the State's conservatorship), and the Detention Center School demonstrated leadership and dedication to improving special education services. Their commitment, collaboration, and responsiveness to feedback and technical assistance played a large role in the improvements described in this letter

In sum, we are closing this investigation in recognition of the State's many improvements at the Leflore County Juvenile Detention Center School. We realize that a new school district, the Greenwood Leflore Consolidated School District, will soon be responsible for the administration of the Detention Center School, though MDE will continue to monitor and provide support and assistance to the School. We are hopeful that the improvements developed

under the leadership of the Mississippi Department of Education and the Leflore County School District will be sustained under the school's new leadership.

If you have any questions, please contact Emily Keller at (202) 307-6565.

Sincerely,



Steven H. Rosenbaum  
Chief  
Special Litigation Section

cc: James Johnson-Waldington  
Interim Superintendent, Leflore County School District

Carlos Palmer  
Counsel for the Leflore County School District