

**Resolution Agreement
Henry County Public Schools
OCR Complaint #s 11-14-1071 & 11-14-1115**

Henry County Public Schools (the “Division”) agrees to fully implement this Resolution Agreement (“Agreement”) to resolve the above-referenced complaints.

GENERAL PROVISIONS

1. This Agreement does not constitute an admission by the Division of any violation of Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR. The Division acknowledges its responsibility not to discriminate against any individual on the basis of disability in any educational program or activity receiving Federal financial assistance from the Department, in accordance with 34 C.F.R. § 104.4.
2. OCR has made no determination that the Division has violated Section 504, Title II, or any other law enforced by OCR, and full implementation of this Agreement by the Division resolves the allegations in OCR Complaint Nos. 11-14-1071 & 11-14-1115. Consistent with the last three paragraphs of this Agreement, after receipt of the documentation described in the Reporting Requirements of this Agreement, OCR will close the monitoring of the Agreement and make no finding of a violation of Section 504, Title II, or any other law enforced by OCR.

SUBSTANTIVE PROVISIONS and REPORTING REQUIREMENTS

3. The Division will develop a Classroom Observation Procedure that sets forth objective criteria for approval that is equitably applied to both parents of students with disabilities and parents of students without disabilities. The Division will review all requests for classroom observations under the same objective criteria, regardless of whether the request is made by a parent of a student with a disability or a parent of a student without a disability.

The Division will provide training to the principals at schools in the Division with self-contained autism classrooms regarding the Classroom Observation Procedure. The training will emphasize that requests for classroom observation must be evaluated under the same objective criteria and in the same manner for those parents and guardians with students in self-contained autism classrooms as those parents and guardians with students in regular education classrooms. The training will also emphasize that the Division’s procedures for volunteers within Division schools must be processed equitably and in the same manner for those parents and guardians with students in self-contained autism classrooms as those parents and guardians with students in regular education classrooms.

Reporting Requirements:

By April 30, 2015, the Division will provide for OCR’s review and approval the Classroom Observation Procedure.

By May 15, 2015, the Division will provide for OCR's review and approval the proposed training materials as described above, including the name and title of the training.

After OCR's approval of the Classroom Observation Procedure and training materials, the Division will conduct the training as part of the June 2015 administrative retreat. Within 30 days after the training, the Division will provide documentation of the training described above, including: the name and title of the trainer; the date and location of the training; a copy of any materials distributed during the training; and, a sign-in sheet with names and titles of attendees, including the name of the school represented.

4. The Division will issue a notice to all parents regarding Classroom Observation Procedure by publishing it on the Division's website and including the notice in the 2015-2016 Student Handbook.

Reporting Requirements:

By April 30, 2015, the Division will submit to OCR a copy of the notices described above for approval. Within 10 school days of receipt of OCR's approval, the Division will issue the notice to parents and publish the Classroom Observation Procedure on the Division's website.

5. For the remainder of the 2014-2015 school year, the Division will monitor all requests to observe self-contained autism classrooms to ensure that those requests are evaluated on the same basis as those requests to observe regular education classrooms.

Reporting Requirements:

By June 15, 2015, the Division will provide the following to OCR: a copy of (or narrative describing) all requests to observe self-contained autism classrooms in the Division from the date of the execution of this Agreement through June 15, 2015; the Division's response to each request, including the name and title of the Division personnel making that decision; and, if disapproved, the reason for the disapproval.

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The Division understands that OCR will not close the monitoring of this Agreement until OCR determines that the Division has fulfilled the terms of the Agreement and is in compliance with the regulation implementing Section 504, at 34 C.F.R. Part 104, which is at issue in this case.

The Division 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 Division understands that during the monitoring of this Agreement, if necessary and upon reasonable notice, OCR may visit the Division, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Division has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II.

The Division 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 the Division written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

FOR THE DIVISION:

_____/s/_____
Name

Date

Title