

**Resolution Agreement
Henry County School District
OCR Docket Number 04-13-1210**

The Henry County School District (District) submits to the U.S. Department of Education, Office for Civil Rights (OCR), this Resolution Agreement (Agreement) to voluntarily resolve the above-referenced complaint and to ensure compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation 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 regulation, 28 C.F.R. Part 35. The Agreement reflects voluntary actions to be taken by the District to ensure continued compliance with Section 504 and Title II. Therefore, the District agrees to the following:

1. By **February 3, 2014**, the District will review the educational records of all students who were served with Individual Education Plans (IEPs) in the Complainant's 6th grade English Language Arts classes during spring 2013, to determine whether these students were deprived of the special education instructional services as required in their IEPs because of the lack of certification of their teacher. If the reviews of educational records determine that any student was so deprived, the team will decide whether the student is in need of compensatory education services. If compensatory services are deemed necessary, (a) the IEP team meeting minutes will include the amount and type of compensatory services to be provided, identify the provider of the services and identify when the services will start and conclude; and (b) the District will provide such services to the Student during the 2013-2014 school year, by no later than **July 31, 2014**. If compensatory services are not deemed necessary, the District will provide an explanation for why there are no compensatory services needed

Reporting Requirement: (a) By **June 2, 2014**, the District will submit to OCR notification of the date that the IEP team meeting for each student was conducted in accordance with this Item, and a copy of the minutes of the meeting. (b) On or before January 15, **2015**, if compensatory services are deemed necessary, the District will submit documentation demonstrating that the compensatory services were provided and the date(s) that the services were provided.

2. By **December 16, 2013**, the District will provide OCR an assurance that IEPs which state that the services will be provided by a special education teacher will be implemented as written and that teachers assigned to special education classes will have the requisite certification.

Reporting Requirement:

(a) By **December 16, 2013**, the District will submit the written assurance stated in corrective action 3 above.

(b) By **February 3, 2014**, the District will submit to OCR a list of all classes at XXXX Middle School for the 2013-14 school year that include students with disabilities whose IEPs state that the services will be provided by a special education teacher. The list will

identify the teachers at XXXX Middle School assigned to those classes and their certification.

(c) By **February 3, 2014**, OCR will identify six other schools for the District to verify that students with disabilities whose IEPs state that the services will be provided by a special education teacher are being served by certified special education teachers.

(d) By **June 2, 2014**, the District will submit a list of classes at these six schools that will identify the teachers assigned to those classes and their certification.

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. 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 of this agreement and is in compliance with the Section 504 and Title II implementing regulations set forth below which were at issue in this case. The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the Section 504 implementing regulation at 34 C.F.R. § 104.33 and the Title II implementing regulation at 28 C.F.R. § 35.130, which were at issue in this case.

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

This Resolution Agreement will become effective immediately upon the signature of the Superintendent or his/her designee below.

/s/ Ethan Hindreth

Superintendent or designee

11-14-13

Date