

**Resolution Agreement  
Henry County School District  
OCR Complaint #04-14-1356**

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced investigation of the Henry County School District (District), pursuant to Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. Sections 2000d *et seq.*, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of race by recipients of Federal financial assistance; Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794 and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. Prior to the completion of OCR's investigation, the District asked to resolve Issue Numbers 1 and 7 of the investigation pursuant to Section 302 of OCR's *Case Processing Manual* (CPM). The Agreement reflects voluntary actions to be taken by the District to ensure continued compliance with Title VI, Section 504, and Title II and resolve Issue Numbers 1 and 7. Accordingly, the District voluntarily agrees to take the following actions:

**Notice of Nondiscrimination**

1. By August 1, 2014, the District will amend its Notice of Equal Opportunity on Page 35 of its Student and Parent Handbook and on its website, with respect to the identity and contact information for its "Title IV and Title IX Coordinator, to change "Title IV to Title VI.

Reporting Requirement. By August 15, 2014, the District will provide OCR with a copy of the revised Notice of Equal Opportunity and a link to the website page containing the language described in Item #1.

**Policies**

2. By August 1, 2014, the District will amend its KN Procedure on its website to include a statement that this procedure applies to complaints alleging discrimination and/or harassment on the bases of race, disability, and sex carried out by employees, other students, and third parties. The District will further amend its KN Procedure to include a statement that during the investigation process, complainants will have an equal opportunity to present witnesses and relevant evidence. The District will also amend its KN Procedure to include an assurance that where a complaint filed contains an allegation of harassment, the District will take steps to prevent recurrence of harassment and to correct its discriminatory effects on the complainant and others, if appropriate.

Reporting Requirement. By August 15, 2014, the District will provide OCR with a copy of the revised KN Procedure and a link to the website page containing the language described in Item #2.

3. By August 1, 2014, the District will amend its JAA Procedure on its website to include a statement that this procedure applies to complaints alleging harassment on the bases of race, disability, and sex carried out by employees, other students, and third parties. The District will further amend its JAA Procedure to include a statement that during the investigation process, complainants will have an equal opportunity to present witnesses and relevant evidence. The District will also amend its JAA Procedure to include an assurance that where a complaint filed contains an allegation of harassment, the District will take steps to prevent recurrence of harassment and to correct its discriminatory effects on the complainant and others, if appropriate. The District will amend its JAA Procedure to provide the identity and contact information for the District's Title VI Coordinator.

Reporting Requirement. By August 15, 2014, the District will provide OCR with a copy of the revised JAA Procedure and a link to the website page containing the language described in Item #3.

4. By August 1, 2014, the District will amend its JCAC Procedure on Sexual Harassment to include a statement that this procedure also applies to disability and racial harassment complaints. The District will further amend its JCAC Procedure to include a statement that during the investigation process, complainants will have an equal opportunity to present witnesses and relevant evidence. The District will also amend its JCAC Procedure to include an assurance that where a complaint filed contains an allegation of harassment, the District will take steps to prevent recurrence of harassment and to correct its discriminatory effects on the complainant and others, if appropriate.

Reporting Requirement. By August 15, 2014, the District will provide OCR with a copy of the revised JCAC Procedure and a link to the website page containing the language described in Item #2.

5. By August 1, 2014, the District will amend its Bullying Policy on Pages 15 and 16 of its Student and Parent Handbook and on its website to clarify that this policy applies to bullying on the bases of race and disability.

Reporting Requirement. By August 15, 2014, the District will submit its revised policies and procedures to OCR for its review and approval.

6. October 15, 2014, or within 60 days of OCR's approval of the policies developed in accordance with Items #1 through #5 of the Agreement, whichever is later, the District will adopt and implement the procedures and will publish the revised procedures in a written document and on its website.

Reporting Requirement. Within 30 days of completion of Items #1 through #5, the District will provide OCR with documentation that it has implemented Items #1 through #5 above.

## **Training**

7. By November 15, 2014, the District will initiate annual training for all Principals, Assistant Principals, and other staff responsible for responding to complaints of harassment on the revised policies and procedures developed in accordance with Items #2 through #5. The training should inform the participants that the KN Procedure, the JAA Procedure, the JCAC Procedure, and the Bulling Policy apply to disability and racial harassment complaints; that during the investigation process, complainants will have an equal opportunity to present witnesses and relevant evidence; and that the District will take steps to prevent recurrence of harassment and to correct its discriminatory effects on the complainant and others, if appropriate.

Reporting Requirement. By December 1, 2014, the District will provide OCR with a report confirming that this training has been completed, including (a) the date of the training; (b) the background and qualifications of the presenters/trainers; (c) a copy of the transcript(s)/materials used for the training; (d) a sign in log with name and title of all District employees who completed the training.

## **District Statement Regarding Harassment**

8. By August 1, 2014, the Superintendent and School Board will issue a statement to the District's students, parents and staff that will be printed in the District's newsletter, Student and Parent Handbook, posted on its website, and posted in prominent locations at the School, stating that the District does not tolerate harassment on the bases of race or disability. The statement will encourage any student who believes that he or she has been subjected to harassment on the bases of race or disability to report the harassment to the District, and note the District's commitment to take immediate action to eliminate the harassment, prevent its recurrence, and address its effects. The statement will include the appropriate contact information for the individual designated to receive complaints of harassment on the basis of disability. The statement will warn that students or employees found to have engaged in acts of harassment on the basis of disability will be promptly disciplined and make clear that such discipline may include, if circumstances warrant, suspension or expulsion for students or suspension or termination for employees. The statement will encourage students, parents and District staff to work together to prevent harassment on the bases of race and disability. The District will distribute this statement in languages other than English, as necessary.

Reporting Requirement. By August 15, 2014, the District will provide OCR with a copy of the statement referred to in Item #8 along with a description of where the statement was published.

## **Student Focused Remedies**

9. By August 1, 2014, the Students' eligibility team will reconvene to consider additional medical records and any other evaluation materials in accordance with the Section 504

regulation at 34 C.F.R. § 104.35, and will then make a determination regarding the Students' needs for any special education services.

Reporting Requirement. By August 15, 2014, the District will submit to OCR a copy of any additional medical records and all other evaluation materials identified in Item #9.

10. By August 1, 2014, the Students' eligibility team will also reconvene to consider whether any compensatory educational services for the Students are necessary in light of the additional materials considered in accordance with Item #9.

Reporting Requirement. By August 15, 2014, the District will submit to OCR for review the eligibility team's determination regarding the provision of compensatory educational services to the Students, including all documentation and other evidence that was considered by the IEP team in reaching its determination. By September 30, 2014, the District will submit to OCR documentation certifying that any agreed upon compensatory educational services were provided to the Student.

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. Further, 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 Title VI, Section 504 and Title II, and their implementing regulations.

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 Title VI, Section 504, Title II, Title IX, and their implementing regulations.

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.

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Superintendent or Designee

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Date