

**Resolution Agreement
Henderson County School District
Complaint #04-14-1529**

The U.S. Department of Education, Office for Civil Rights (OCR), initiated an investigation of the above-referenced complaint filed against Henderson County School District (District) alleging disability discrimination and retaliation at Pin Oak Middle School (School) pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 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), as amended, 42 U.S.C. Sections 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. To ensure compliance with Section 504 and Title II and to resolve the issues of this investigation, the District voluntarily agrees to take the following actions.

Individual Remedies:

1. **By November 15, 2014**, the District will remove any restriction placed on the Complainant with respect to her ability to communicate with teachers/staff at the Student's school.

REPORTING REQUIREMENT: By **November 30, 2014**, the District will submit a copy of the documents related to Item #1 above.

2. **By November 15, 2014**, the District will issue in writing to the Complainant by certified mail letter, an apology for making any harassment accusations against her.

REPORTING REQUIREMENT: By **November 30, 2014**, the District will submit a copy of the proposed letter related to Item #2 above, for OCR's approval.

REPORTING REQUIREMENT: **Within 10 days of receiving OCR's approval**, the District will mail the approved letter to the Complainant and a copy to OCR.

3. **By November 15, 2014**, the District will purge from all District/School files any document signed by the Complainant offering the Student placement at a school for the deaf.

REPORTING REQUIREMENT: By **November 30, 2014**, the District will submit a copy of the documents showing that the action related to Item #3 above has been completed.

Training/Counseling for Staff:

4. **By November 15, 2014**, the District will provide counseling to the District Special Education Coordinator and the Diagnostician on the prohibition against retaliation.

REPORTING REQUIREMENT: By **November 30, 2014**, the District will submit documentation to show that the action related to Item #4 above has been completed.

- 5. By **December 15, 2014**, the District will contact OCR and schedule, at a mutually agreeable date/time **no later than March 16, 2015**, training by OCR on retaliation and also on the obligation to provide a free appropriate public education (FAPE) to deaf students. The training will be provided for the District Special Education Coordinator and Diagnostician, as well as all administrators and teaching staff at the School, including teachers for deaf or hearing impaired students.

REPORTING REQUIREMENT: **Within 15 days from the date training is provided**, the District will provide OCR with: 1) the date of the training, and 2) a list of names of employees who attended the training.

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 the regulations implementing Section 504 at 34 C.F.R. Sections 104.35 and 104.61, and the regulations implementing Title II at 28 C.F.R. Section 35.130(a), (b)(1)(i)-(iv), and 35.134 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 recipient has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504 at 34 C.F.R. Section 104.35 and 104.61, and with the regulation implementing Title II at 28 C.F.R. Section 35.130(a), (b)(1)(i)-(iv), and 35.134 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 Agreement will become effective immediately upon the signature of the District's representative below.

/S/
Superintendent or Designee

10/17/2014
Date