



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVENUE, SW
WASHINGTON, DC 20202-1475

REGION XI
NORTH CAROLINA
SOUTH CAROLINA
VIRGINIA
WASHINGTON, D.C.

April 17, 2015

Dr. Jared Cotton
Henry County Public Schools
3300 Kings Mountain Rd
Collinsville, VA 24078

RE: OCR Complaint Nos. 11-14-1071 & 11-14-1115
Resolution Letter

Dear Dr. Cotton:

This letter is to advise you of the outcome of the complaints that were filed with the District of Columbia Office for Civil Rights (OCR), within the U.S. Department of Education (the Department), against the Henry County Public Schools (the Division). The Complainants filed disability discrimination complaints on behalf of the parents of students in self-contained classrooms within the Division. In OCR Complaint 11-14-1071, filed on December 30, 2013, the Complainant alleged that the Division had a policy or practice of denying parental requests to visit the self-contained classrooms in the Division while the parents of students in typical education classrooms were permitted to visit their children's classrooms. In OCR Complaint No. 11-14-1115, filed on February 11, 2014, the Complainant alleged that the parents of students in self-contained classrooms in the Division were not permitted to visit their children's classrooms while the parents of students in typical education classrooms were permitted to visit their children's classrooms.

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the Department. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination against qualified individuals with disabilities by public entities, including public education systems and institutions, regardless of whether they receive Federal financial assistance from the Department. Because the Division receives Federal financial assistance from the Department and is a public entity, OCR has jurisdiction over it pursuant to Section 504 and Title II.

During OCR's investigation, the Division, through counsel, expressed a willingness to resolve these complaints. Pursuant to Section 302 of OCR's Case Processing Manual, OCR discussed resolution options with the Division. On April 15, 2015, the Division signed the enclosed agreement which, when fully implemented, will resolve the allegation raised in these complaints. The provisions of the agreement are aligned with the issues raised by the Complainants and

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

information obtained during OCR's investigation, and are consistent with the applicable regulations. OCR will monitor the Division's implementation of the agreement.

This concludes OCR's investigation of the complaints. This letter should not be interpreted to address the Division's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter sets forth OCR's determination in these individual OCR cases. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the Division may not retaliate against an individual who asserts a right or privilege under a law enforced by OCR or who files a complaint, testifies, or participates in an OCR proceeding. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

We appreciate the Division's cooperation in the resolution of this complaint, including the assistance provided by the Division's counsel, Pakapon Phinyowattanachip. If you have any questions, please contact Kristi Harris, the OCR attorney assigned to this complaint, at 202-453-5916 or Kristi.harris@ed.gov.

Sincerely,

/s/

Dale Rhines
Program Manager
District of Columbia Office
Office for Civil Rights

Enclosure