



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS, REGION IV

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ATLANTA, GA 30303-8927

REGION IV  
ALABAMA  
FLORIDA  
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TENNESSEE

August 5, 2014

Mr. Michael Thurmond  
Superintendent  
DeKalb County School District  
1701 Mountain Industrial Boulevard  
Stone Mountain, Georgia 30083

Re: Complaint #04-14-1481

Dear Mr. Thurmond:

On March 26, 2014, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received the above-referenced complaint you (Complainant) filed against the DeKalb County School District (District) alleging discrimination on the basis of disability. Specifically, the Complainant alleged that the District discriminated against her son, XXXXXXXX (Student), a student at Sagamore Hills Elementary School (School), by denying the Student enrollment in the After School Academy (ASA) at the School because of his disability.

As a recipient of Federal financial assistance from the Department, the District is subject to the requirements of 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 based on disability. As a public entity, the District is also subject to the requirements of 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, which prohibit discrimination based on disability. Accordingly, OCR has jurisdiction over this complaint.

OCR opened for investigation the legal issue of whether the District discriminated against the Student on the basis of his disability by denying him enrollment in the ASA, in noncompliance with the Section 504 implementing regulation at 34 C.F.R. § 104.4, §104.38 and the Title II implementing regulation at 28 C.F.R. § 35.130.

During the course of the investigation, the District offered to resolve this complaint by agreeing to: (1) reimburse the Complainant for the difference in tuition between the ASA and the program in which the Complainant ultimately enrolled the Student, plus the additional mileage the Complainant had to drive to get the Student to the alternate program; (2) train staff at the School with regard to the provision of special education services in their after school programs; and (3) offer the Student a slot in the ASA for the upcoming 2014-2015 school year should the Complainant decide to send the Student to the School.

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

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OCR's complaint processing procedures provide that a complaint may be resolved when, before the conclusion of an investigation, the recipient asks to resolve the complaint. Based on the foregoing, OCR accepted the District's request to resolve this complaint, and the District entered into the enclosed Agreement, which when fully implemented, will resolve the issues of the complaint.

On July 30, 2014, OCR received the enclosed signed Resolution Agreement (Agreement) that when fully implemented, will resolve the complaint. OCR will monitor the implementation of this Agreement to ensure that it is fully implemented. If the District fails to fully implement the Agreement, OCR will reopen the case and take appropriate action to ensure compliance with Section 504 and Title II.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records, upon request. If we receive such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy. Intimidation or retaliation against complainants by recipients of Federal financial assistance is prohibited. No recipient may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the laws OCR enforces, or because one has made a complaint, or participated in any manner in an investigation in connection with a complaint.

This concludes OCR's consideration of the complaint, which we are closing effective the date of this letter. If you have any questions regarding this matter, please contact Michelle Vaughan, General Attorney, at (404) 974-9398, or me at (404) 974-9399

Sincerely,

Jammie Randolph  
Acting Compliance Team Leader

Enclosure