

**Resolution Agreement
Atlanta Public Schools
OCR Docket Number 04-17-1070**

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and Atlanta Public Schools (District) enter into this Resolution Agreement (Agreement) to resolve the issues in 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. The District agrees to implement the actions described below:

Student Focused Remedies

1. By **November 15, 2018**, the District will identify all students who have Down Syndrome and were enrolled in Carver High School (School) during the 2015-2016 school year and will provide a list of those students to OCR. On this list, the District will state whether or not each of the students was pictured in a 2015-2016 School yearbook in the District.
2. By **November 15, 2018**, the District will also write letters to all students who were enrolled in the School during the 2015-2016 school year who have Down Syndrome and were not pictured in a 2015-2016 School yearbook in the District, as well as their parents or guardians, apologizing that their pictures were not included in a yearbook. This remedy does not include sending letters to students who have Down Syndrome and their parents or guardians who were not pictured in a 2015-2016 yearbook for nondiscriminatory reasons, including but not limited to late enrollment.

Reporting Requirements:

- a) By **November 30, 2018**, the District will provide to OCR the list of students who have Down Syndrome and were enrolled in the School during the 2015-2016 school year and a statement whether or not each student was pictured in a 2015-2016 School yearbook in the District. The District will also provide a copy of the entire School yearbook or the pages from the yearbook reflecting each student's picture or the page where the student would have been pictured.
- b) By **November 30, 2018**, the District will provide to OCR copies of the letters to all students and their parents or guardians apologizing to them that the students were not pictured in a 2015-2016 School yearbook as described in Paragraph 2. If a student who has Down Syndrome was not pictured in the 2015-2016 yearbook for a nondiscriminatory reason, the District will provide the reason to OCR.

Section 504 and Title II – Training of District Staff

3. If it is determined that one or more students with Down Syndrome were not pictured in a 2015-2016 yearbook in the District, by **November 30, 2018**, the District will provide training for all administrators, teachers, and other staff members at the School on Section 504's prohibition against different treatment of students with disabilities, including failing to include pictures of students with Down Syndrome in a school yearbook.

Reporting Requirement:

By **December 10, 2018**, the District will submit documentation to OCR showing that all administrators, teachers, and other staff members at the School have completed this training. The documentation shall include: (1) the date of the training session; (2) a list of names and titles of District employees who participated in the training session; (3) a description of the presenter's background and qualifications with respect to knowledge of Section 504 and Title II; and (4) a copy of the agenda and the training materials disseminated.

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 implementing regulation at 34 C.F.R. § 104.4, and the Title II implementing regulation at 28 C.F.R. § 35.130 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. § 104.4 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.

Superintendent or designee

Date