



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

61 FORSYTH ST., SOUTHWEST, SUITE 19T10
ATLANTA, GA 30303-8927

REGION IV
ALABAMA
FLORIDA
GEORGIA
TENNESSEE

September 4, 2018

Dr. David Dude
Superintendent
City Schools of Decatur
125 Electric Avenue
Decatur, Georgia 30033

Re: OCR Complaint #04-18-1376

Dear Dr. Dude:

On March 22, 2018, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint filed against City Schools of Decatur Schools District (District), alleging discrimination on the basis of disability. Specifically, the Complainant alleged that despite prior notification, the District failed to provide a working chair lift in order for her son (Student), who has Spina Bifida, to access the stage at 4/5 Academy to participate in Georgia Association of Educators Region 4 Spelling Bee with the other students. Further, the stage was not set up to accommodate a mobility impaired student and as a result, the father had to rearrange the stage. The Student was subjected to undesirable attention and was embarrassed, which impacted the Student during and after the competition.

OCR is responsible for enforcing 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 by recipients of Federal financial assistance from the Department; and, Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 121 31 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities.

Based on the above, OCR investigated the following legal issue: whether the District failed to make its stage wheelchair accessible to the Student, in noncompliance with the Section implementing regulation at 34 C.F.R. §§ 104.4(a), 104.21, 104.22(a); and, the Title II implementing regulation at 28 C.F.R. §§ 35.130(a), 35.149, 35.150(a) and (b)(1).

Prior to the completion of OCR's investigation, the District requested to voluntarily resolve this complaint. Pursuant to Section 302 of OCR's Case Processing Manual, a complaint may be resolved, before the conclusion of an investigation, when the recipient or public entity expresses an interest in resolving the complaint. The attached Resolution Agreement (Agreement) will require the District to take actions to ensure that it has a system in place to ensure its chairlifts are operable prior to scheduled events.

On September 4, 2018, OCR received the enclosed signed Agreement that, when fully implemented, will resolve the complaint. OCR will monitor the District's 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. The Complainant may file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the District may not harass, coerce, or discriminate against any individual because he or she has filed a complaint, or participated in the complaint resolution process. If this happens, the Complainant may file another complaint alleging such treatment.

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, to the extent provided by law, personally identifiable information that, if released, could constitute an unwarranted invasion of privacy.

If you have any questions about this letter, please contact Cassandra Williams, at (404) 974-9393, or me at (404) 974-9408.

Sincerely,

April England-Albright
Supervisory General Attorney

Enclosure