



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

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ATLANTA, GA 30303-8927

REGION IV  
ALABAMA  
FLORIDA  
GEORGIA  
TENNESSEE

**Resolution Agreement**  
**Tattnall County School District (Georgia)**  
**OCR Complaint # 04-18-1524**

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and the Tattnall County School District (District), enter into this Resolution Agreement (Agreement) to resolve the allegation in the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures OCR that it will take the following actions to comply with the requirements of 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, which prohibit discrimination on the basis of disability.

Prior to the completion of OCR's investigation, the District agreed to resolve the issue of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of OCR Complaint #04-18-1524, the District agrees to take the following actions:

**Action Item 1 - Service Animal Procedures**

1. The District shall modify its procedures and practices, to permit the use of a service animal by an individual with a disability in order to conform to the requirements of Section 504 and Title II. 34 C.F.R. §§ 104.43 and 104.44 and 28 C.F.R. § 35.136.
2. The District shall draft a Service Animal Procedure and submit it to OCR for review and approval within thirty (30) days of the execution of this Agreement.
3. The District shall adopt and implement the Service Animal Procedures within thirty (30) days of OCR's approval. The District's Service Animal Procedures shall incorporate the following provisions:
  - (a) *General.* The District will modify its procedures, and practices, to permit the use of a service animal by an individual with a disability. Members of the public, including parents, guardians, family members and/or individuals with official business with the District, do not need to provide prior notice to the District regarding the use of their service animal on District property. 28 C.F.R. § 35.136(a).
  - (b) *Inquiries.* The District shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as

- a service animal. The District may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. The District shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Generally, the District may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability). 28 C.F.R. § 35.136(f)
- (c) *Access to Areas of a Public Entity.* Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the District's facilities where students, faculty, members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go. 28 C.F.R. § 35.136(g)
- (d) *Surcharges.* The District shall not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. If the District normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by his or her service animal. The District may not require individuals with disabilities who use a service animal to provide documentation of liability insurance. 28 C.F.R. § 35.136(h)
- (e) The District may ask the individual with a disability to remove a service animal from the premises if:
- (1) The animal is out of control and the animal's handler does not take effective action to control it; or
  - (2) The animal is not housebroken. 28 C.F.R. § 35.136(b)
- (f) *If an Animal Is Properly Excluded.* If the District properly excludes a service animal, it shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises. 28 C.F.R. § 35.136(c)
- (g) *Animal Under Handler's Control.* A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means). 28 C.F.R. § 35.136(d)
4. Within thirty (30) days of OCR's approval of the Service Animal Procedures, the District will adopt, implement, and disseminate the approved Service Animal Procedures to all current District faculty, instructors, teaching assistants, and contract employees.

5. Within sixty (60) days of OCR's approval of the Service Animal Procedures, the District will publish the Service Animal Procedures in the District's Student, Parent, and Employee handbooks; in prominent locations on the District's website; and will publish the Service Animal Procedures in the District's newsletters (print and electronic).

**REPORTING REQUIREMENT:** Within thirty (30) days of the execution of this Agreement, the District shall submit the draft Service Animal Procedures to OCR for review and approval. Within thirty (30) days of OCR's approval, the District will provide OCR with documentation that demonstrates that it has adopted, implemented and disseminated the Service Animal Procedures to all current District faculty, instructors, teaching assistants, and contract employees. Within sixty (60) days of OCR's approval of the Service Animal Procedures, the District will provide OCR with documentation that it published the Service Animal Procedures in the District's Student, Parent, and Employee handbooks; in prominent locations on the District's website; and in print and electronic versions (if applicable) of the District's newsletters.

### **Action Item 2 -Training for District Faculty and Staff**

1. Within thirty (30) days of the implementation of the OCR-approved Service Procedures, the District will provide training on the Section 504 and Title II non-discrimination obligation to individuals with disabilities who use service animals and on the terms and conditions of the Service Animal Procedures adopted pursuant to Action Item 1. The training will address, at minimum, general obligations under Section 504 and Title II to grant access to individuals who use service animals; guidelines and examples explaining the bases for excluding a service animal; and clarification that there is no requirement that the student or visitor provide evidence of his or her disability or evidence of the animal's certification.
2. The District will provide the initial and annual refresher training to all academic administrators, student service administrators, faculty, instructors, teaching assistants and contract employees, presently teaching or working at the District. The District will provide this training to all new staff during new hire orientation and disseminate the Service Animal Procedures to new staff during the orientation.

**REPORTING REQUIREMENT:** Within thirty (30) days of completion of the training, the District will provide documentation demonstrating the following: a) the date, time and location of the training(s); b) an outline of the training and/or copy of the materials disseminated at the training; c) the name(s), title(s), and credentials of the individual(s) who conducted the training; d) the name and title of each individual who attended the training (including dated sign-in sheets with the attendees' names, titles, and work locations); and, e) the total number of staff members not in attendance and the measures taken by the District to ensure that each is provided the training materials and an opportunity to ask questions to clarify the materials

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 Section 504 implementing regulation at 34 C.F.R. §§ 104.35 and the Title II implementing regulation at 28 C.F.R. §§ 35.130. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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 Resolution 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 sixty (60) calendar days to cure the alleged breach.

This Resolution Agreement will become effective immediately upon signature of the Superintendent or designee, below.

\_\_\_\_\_  
Signature of Superintendent (or Designee)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Printed Name of Superintendent (or Designee)