



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

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

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VIA E-MAIL ONLY: [ashanti.johnson@cirrusacademy.org](mailto:ashanti.johnson@cirrusacademy.org)

February 11, 2019

Dr. Ashanti Johnson  
Superintendent  
Cirrus Academy Charter School  
1870 Pio Nono Avenue  
Macon, GA 31204

**Re: OCR Complaint Number 04-18-1716**  
**Resolution Letter**

Dear Dr. Johnson:

This letter is to advise you of the outcome of the complaint that the Office for Civil Rights (OCR) of the U.S. Department of Education (Department) received on August 15, 2018, against Cirrus Academy Charter School (School). Specifically, the Complainant alleged that the School discriminated against the Student on the basis of his disability when an ISS Teacher called him a derogatory name and physically assaulted him.

OCR enforces 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, 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), as amended, 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. As a recipient of Federal financial assistance from the Department and as a public entity, the School is subject to Section 504 and Title II.

Based on the allegation, OCR investigated whether the Student was subjected to a hostile environment on the basis of his disability, and if so, whether the School failed to take appropriate responsive action to redress the alleged disability based-harassment in noncompliance with Section 504, at 34 C.F.R. § 104.4, and Title II, at 28 C.F.R. § 35.130.

Before OCR completed its investigation, the School expressed a willingness to resolve the complaint by taking the steps set out in the enclosed Resolution Agreement. Pursuant to Section 302 of OCR's *Case Processing Manual*, a complaint "may be resolved at any time when, before the conclusion of an OCR investigation, the recipient expresses an interest in resolving the allegations and issues and OCR determines that it is appropriate to resolve them with an agreement during the course of an investigation."

OCR's investigation to date consists of an interview with the Complainant and a review of documents produced by the Complainant and the School. The documents reviewed to date include an internal grievance filed by the Complainant, emails between the Complainant, her Advocate and School staff, the School's investigative file, and the School's Section 504 grievance procedures. These investigative steps have informed the development of the Resolution Agreement.

Accordingly, to remedy the allegations raised by OCR's complaint, the School agreed to implement the provisions of the enclosed Resolution Agreement, which when fully implemented, will resolve the issue in this complaint. Pursuant to the terms of the Resolution Agreement, the School will (1) review its April 2018 investigation or re-investigate the April 30, 2018 report regarding the ISS Teacher to determine whether the conduct substantiated by the investigation created a hostile environment on the basis of disability for the Student; (2) provide written notice to the Complainant and to the ISS Teacher of the outcome of its investigation; (3) revise its Section 504 grievance procedures and publish and disseminate the revised procedures; and (4) provide training to all faculty and staff regarding its revised grievance procedures.

The Resolution Agreement is aligned with the complaint allegations and the information obtained thus far and is consistent with applicable regulations under Section 504 and Title II. OCR will monitor the School's implementation of the Agreement to ensure that it is fully implemented. If the School fails to fully implement the Agreement, OCR will reopen the case and take appropriate action to ensure compliance with Section 504 and Title II.

This concludes OCR's investigation of the complaint. This letter should not be interpreted to address the School'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 an individual OCR case. 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 School must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. 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 School's cooperation in the resolution of this complaint. If you have any questions, please contact XXX, the OCR attorney assigned to this complaint, at 404-974-XXXX, or me, at 404-974-XXX.

Sincerely,

XXX  
Compliance Team Leader

Enclosure