

**Resolution Agreement  
Cirrus Academy Charter School, Georgia  
OCR Docket Number 04-18-1716**

The U.S. Department of Education, Office for Civil Rights (OCR) and the Cirrus Academy Charter School (School), Georgia enter into this Resolution Agreement (Agreement) to resolve the allegations in the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the School. The School 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), as amended, 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 by recipients of Federal financial assistance and public entities, respectively.

Prior to the completion of OCR's investigation, before OCR had made any findings, the School agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's *Case Processing Manual*. OCR has not issued findings concerning issues of the above-referenced case number. This Agreement has been entered into voluntarily between the parties. Accordingly, to ensure compliance with Section 504 and Title II and to resolve the issues of OCR complaint #04-18-1716, the School voluntarily agrees to take the following actions:

**Student Remedy**

1. **By April 15, 2019**, the School will review its April 2018 investigation conducted in response to or re-investigate the April 30, 2018 report that an ISS Teacher called the Student, who is the subject of OCR Complaint #04-18-1716, "*Threatt the Freak*," grabbed him, twisted his arm behind his back, and cursed. During its review/re-investigation, the School shall ensure the following: (i) that it conducts meaningful interviews with all interested parties to the incident involving the Student on April 26, 2018; (ii) that it documents its review in writing to include the reasons for its conclusion(s) and the outcome of the review; and (iii) that the investigative report includes any corrective or remedial action, if warranted, to address any disability-based harassment experienced by the Student as a result of the April 26, 2018 incident involving the ISS teacher.
2. **By April 15, 2019**, the School will provide written notice to the Complainant via U.S. mail, return receipt requested and via electronic mail, and to the alleged perpetrator of the outcome of its investigation.

**Reporting Requirements:**

- (a) **By April 15, 2019**, the School will provide OCR with a copy of its report. The School also agrees to provide to OCR a copy of any witness interview notes or summaries and documents considered as part of the report, upon OCR's request.
- (b) **By April 15, 2019**, the School will provide documentation to OCR evidencing that it sent written notice to the Complainant and to the alleged perpetrator as specified in Action Item #2 above.

### **Grievance Procedures**

3. **By April 15, 2019**, the School will, review and revise the School's Section 504/Title II grievance procedures contained in the Parent/Student Handbook as necessary to ensure that the School has adopted and published procedures that provide for the prompt and equitable resolution of student complaints alleging any actions prohibited by Section 504 and Title II and its implementing regulations. .

#### **Reporting Requirements:**

**Within sixty (60) days of the execution of this Agreement**, the School will provide evidence to OCR of the grievance procedures revision, publication and dissemination to the School's faculty, staff, and students, as required by Action Item 3.

### **Staff Training**

4. **By August 30, 2019**, the School will provide training to all faculty and staff regarding its new grievance procedures. At a minimum, the training must address: (a) the requirements of Section 504 and Title II, including the obligation to respond to complaints of disability discrimination/harassment; (b) how the School will address disability discrimination/harassment complaints filed under the revised grievance procedures; (c) who to contact with questions about the School's process for reporting or addressing complaints of discrimination and harassment on the basis of disability; and (d) how to conduct and document adequate, prompt, reliable, and impartial investigations of disability discrimination/harassment and the appropriate standards to apply in reaching determinations. The training shall be conducted by a qualified person with expertise in Section 504 and Title II.

#### **Reporting Requirements:**

**By August 30, 2019**, the School will provide documentation to OCR demonstrating that it provided training pursuant to this Item. The documentation shall include: (i) the date of the training sessions; (ii) name and title of the individuals who attended the training sessions (including dated sign-in sheets with the attendees' names, titles and work locations); and (iii) a copy of the agenda and the training materials disseminated.

### **IMPLEMENTATION AND ENFORCEMENT OF THIS AGREEMENT**

The School 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 School understands that during the monitoring of this Agreement, OCR may visit the School, interview staff, and students and request such additional reports or data as are necessary for OCR to determine whether the School has complied with the terms of this Agreement and is in compliance with the regulation implementing Section 504 at 34 C.F.R. §§ 104.33, 104.35, and

104.36, and Title II at 28 C.F.R. §§ 35.130. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

The School 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 School written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

The person signing for the School represents that s/he is authorized to bind the School to this Agreement. This Agreement becomes effective the date of the signature below.

For Cirrus Academy Charter School:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title