



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

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ATLANTA, GA 30303-8927

REGION IV
ALABAMA
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November 15, 2013

Dr. Ethan Hildreth
Superintendent
Henry County School District
33 N. Zack Hinton Parkway
McDonough, Georgia 30353

Re: Complaint #04-13-1210

Dear Dr. Hildreth:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its investigation of the above-referenced complaint that you (Complainant) filed against the Henry County School District (District) on March 7, 2013, alleging discrimination on the bases of disability and retaliation. Specifically, the Complainant alleged that the District: (1) discriminated against students with disabilities by assigning her and other uncertified teachers to teach special education students; and (2) retaliated against her by giving her a poor mid-year evaluation, which could lead to a possible non-renewal of her employment contract, after she: (a) submitted a written complaint to the Principal advising her that assigning herself, as an uncertified teacher, to teach a special education class violates the rights of students with disabilities to a free appropriate public education; (b) complained to the Human Resources Department that the Principal sent a letter to parents falsely implying that she was certified in special education; and (c) questioned the Special Education Coordinator on how she was to implement a student's Individual Education Plan (IEP) if she was not certified in special education.

As a recipient of Federal financial assistance from the Department, the District is subject to the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination based on disability. As a public entity, the District is also subject to the requirements of 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 based on disability. Accordingly, OCR has jurisdiction over this complaint.

OCR investigated the following legal issues:

1. Whether the District denied students with disabilities a free appropriate public education (FAPE) by assigning them teachers who are not certified in special education, in noncompliance with Section 504 and its implementing regulation at 34 C.F.R. §104.33(a) and (b) and Title II and its implementing regulation at 28 C.F.R. §35.130; and
2. Whether the District retaliated against the Complainant for advocating on behalf of students with disabilities by giving her a negative mid-year evaluation, in noncompliance with Section 504 and its implementing regulation at 34 C.F.R. §104.61 and the Title II implementing regulation at 28 C.F.R. §35.134.

During the complaint resolution process, OCR reviewed documents provided by the District, and interviewed District staff and the Complainant. Based on the available evidence, OCR found insufficient evidence to support a finding of noncompliance with regard to issue 2. With respect to Issue 1, OCR identified an area of noncompliance regarding the certification of some special education teachers. Set forth below is a summary of OCR's findings.

Applicable Regulatory Authority

The regulation implementing Section 504 at 34 C.F.R. § 104.33(a) and (b) requires a recipient that operates a public elementary or secondary education program to provide a FAPE to each qualified person with a disability who is in the recipient's jurisdiction, regardless of the nature or severity of the person's disability. The provision of an appropriate education is the provision of regular or special education and related aids and services that are designed to meet individual educational needs of disabled students as adequately as the needs of nondisabled students are met and are based upon adherence to procedures that satisfy the requirements of §§ 104.34, 104.35, and 104.36. One way a district may demonstrate that it has provided a student with a FAPE is by showing that it has implemented an IEP developed in accordance with the Individuals with Disabilities Education Act.

The interpretive analysis of the Section 504 regulation states that the quality of educational services provided to disabled students must equal that of the services to nondisabled students; thus, disabled students' teachers must be trained in the instruction of persons with the disability in question and appropriate materials and equipment must be available.¹

The Section 504 implementing regulation at 34 C.F.R. § 104.61 incorporates by reference the provisions of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d *et seq.*, and its implementing regulation at 34 C.F.R. § 100.7(e), which prohibits intimidation of or retaliation against individuals who have engaged in protected activities. Retaliation is also prohibited under the Title II implementing regulation at 28 C.F.R. 35.134.

OCR evaluates evidence obtained during an investigation under a preponderance of the evidence standard to determine whether the greater weight of the evidence is sufficient to support a conclusion that a recipient (such as the District) failed to comply with a law or regulation enforced by OCR, or whether the evidence is insufficient to support such a conclusion.

Factual Findings and Analysis

Issue 1: Whether the District denied students with disabilities a FAPE by assigning them teachers who are not certified in special education.

The Complainant alleged that the District places teachers who lack special education certification in special education classes at the School. She stated that she is certified to teach regular education XXXXXXXXXXXX, and taught XXX grade classes until December 2012, when the School Principal assigned her to co-teach a XXX grade Collaborative Education (CE) class for the spring 2013 semester. She stated that the Principal assigned her to the CE class to replace a special education teacher who was re-assigned to teach a regular education class.

¹ Appendix A to 34 C.F.R. Part 104, Subpart D, paragraph 23.

The Complainant stated that her CE class contained both regular and special education students. Her first period class had 28 students, five of whom have disabilities; the third period class had 30 students, three of whom have disabilities; and the fourth period class has 28 students, three or four of whom have disabilities. These students have varying disabilities, and their IEPs require them to receive 30-45 minutes of resource speech therapy from a speech pathologist. Both the Complainant and her co-teacher similarly lack certification in special education; therefore the Complainant asserted that these students are being denied a FAPE.

Georgia law [O.C.G.A. 20-2-200(a) and (b)(5)] states that the Georgia Professional Standards Commission (GPSC) shall provide for the certification and classification of all professional personnel in public schools of the state, and specifically that: "[r]equirements designating approved in-field assignment standards appropriate to the applicant's field of certification shall be established to ensure that educators are assigned to those areas for which they are properly prepared. These standards may be determined based on reviews of state approved curriculum courses, state approved preparation programs, and designated certificate fields."

Certificates are grouped under two major categories based upon requirements needed for continued certification. The categories are: Renewable and Non-Renewable. Renewable Certificates are valid for 5 years, during which time the educator must satisfy standard renewal requirements. Non-Renewable certificate validity dates range from one to three years, depending on the title. During that validity period, the educator must satisfy specified requirements to convert the Non-Renewable to a Clear Renewable certificate.

The Non-Renewable Professional certificate recognizes initial preparation for certification in the field and is issued at the request of an employing school system under several different circumstances. These include "professional certificate holders assigned to another field who do not meet all certificate requirements for the new field." The certificate is issued for three years and cannot be renewed or extended. During the validity period of the certificate, the individual must complete the specific requirements outlined in the GPSC correspondence that accompanies the certificate.

Fields identify the specific teaching subject, service function, or leadership function authorized by the certificate. Special Education General Curriculum certificates are issued as Consultative and may also be designated with one or more Special Education Academic Content Concentrations at a specified Cognitive Level. (Language Arts and Reading is one Content Area.) Teachers holding this certificate are in-field to provide educational services for students whose IEPs indicate instruction in the general education curriculum and participation in the general statewide assessment. "With the Consultative descriptor, the educator may work collaboratively with a content area teacher of record in all content subjects. To serve as a teacher of record in any of the five academic content concentrations, regular or remedial, that Special Education Content Concentration with the appropriate Cognitive Level must be designated on the Special Education General Curriculum (P-12) certificate. The Cognitive Level appropriate for the educator's certificate is based on information contained in the student's Individualized Education Program (IEP)." Educators certified in Special Education Learning Disabilities (P-12) are in-field to provide educational services for students with learning disabilities.

To add any new teaching field to an existing Clear Renewable certificate in any teaching field, an applicant must pass the appropriate content assessment(s) in the new field and complete all applicable special Georgia requirements or complete a state-approved program in the new field and be recommended by the program provider.

According to the District's Certificated Employee Handbook, "All professional personnel are required to teach/work in the area in which they hold a valid, in-field Georgia educator Certificate. Professional personnel are considered in field if they hold a valid certificate or permit and are assigned to the grade level(s) in the field(s) for which they are certified."

Documents provided by the District show that the Complainant holds a Clear Renewable Certificate and is certified to teach in Middle Grades Education, Middle Grades XXXXXXXXXXXXX and Middle Grades XXXXXXXXXXXXXXXX, and as a Teacher Support Specialist.

The Georgia Department of Education's (GDOE) special education rule 160-4-7-.14 states that "The L.E.A. shall recruit, hire, train and retain an adequate supply of highly qualified (certified or licensed) personnel, including special education, related services and leadership personnel, to meet the needs of students with disabilities. . . Related service personnel who deliver services in their discipline or profession must maintain current certification . . . or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services and these related service personnel must have not had certification of licensure requirements waived on an emergency, temporary or provisional basis.

GDOE's Special Education Rules Implementation Manual lists the various types of personnel support for students with disabilities. Collaboration is defined as: "[a] special education teacher works with identified students with disabilities and the general education teacher within the general education classroom (less than full segment daily.)" Co-teaching is defined as "[t]he special education teacher provides service in the general education classroom by sharing teaching responsibility with the general education teacher (full segment every day.)"

OCR interviewed the District Assistant Superintendent for Human Resources (ASHR), the School Principal (Principal) and the Assistant Principal (AP.)

The ASHR explained that all teachers are required to have a clear renewable certificate in their content area, e.g., language arts or social studies. Anyone holding a clear renewable certificate is eligible to teach special education or another field through obtaining a non-renewable certificate, which is valid for three years. The non-renewable certificate for special education is called a general special education curriculum certificate. The only requirement is to take the GACE assessment in the special education curriculum within three years. The ASHR stated that, by holding a clear renewable certificate, the Complainant is eligible to hold the Non-Renewable Professional Certificate in Special Education General Curriculum. The certificate is valid for a 3-year period, during which a teacher is required to pass the Georgia Assessment for the Certification of Educators (GACE) Assessment in Special Education General Curriculum. No coursework is required to acquire the General Special Education Certificate. Therefore, a content-certified teacher (such as the Complainant) may be assigned to serve as a co-teacher in a CE classroom while pursuing a Clear Renewable Certificate in Special Education.

The ASHR said that the School's Special Education Support Teacher advised the Complainant on how she could obtain the Non-renewable Certificate in order to continue teaching the CE class. The ASHR stated that if the Complainant decides that she does not want to obtain certification by taking the GACE assessment within the next three years, the School may reassign her to a XXX grade CE classroom for the 2013-14 school year,

where she will be the teacher of record with another teacher monitoring the implementation of IEPs for the students with disabilities.²

The Principal stated that Collaborative Education (CE) classes are inclusive classes with regular education students and students with varying disabilities, and are taught by two or more teachers, who should have the General Special Education curriculum non-renewable certificate. However, the Complainant did not take the GACE test or apply for the non-renewable certificate. The Principal stated that the other teacher in the class also did not have the non-renewable certificate.

The Principal stated that the CE class to which the Complainant was assigned resembled a regular education class, with several students with ADHD and learning disabilities. Support was provided by the IDEA Coordinator for the School's cluster zone. In addition, the School's Special Education Support Teacher also provided support. The Support Teacher worked directly with the Complainant, but was not in the classroom. Her role was primarily to monitor the implementation of the IEPs.

OCR interviewed the former Special Education XXXXXXXX Teacher (XXXXXXX Teacher), who was a certified special education XXXX teacher assigned to assist the Complainant with implementing the IEPs of the students with disabilities in the class, and also served as Special Education Department XXXXX of the School. This teacher left the District at the conclusion of the XXXXXXXX school year.

The XXXXXXXX Teacher said that the Principal decided that the Complainant would be moved to the XXX grade as the special education teacher for XXXXXXXXXXXXXXX, and she would be the case manager for the IEP students. She stated that the Complainant was the designated special education teacher, and that she herself was assigned to do the "data collection" on the IEPs in the Complainant's class, as the case manager for the Complainant's special education students. There were 8-10 students with IEPs. The students' disabilities were primarily learning disabilities and ADHD, with a few speech disorders and Emotional/ Behaviorally Disordered students. When asked to explain her role as case manager, she said that all special education teachers are case managers for their students. Because the Complainant was completely new to special education, she was assigned to do the data collection for the Complainant's students' IEPs. When asked about the role of the IDEA Coordinator, who was also assigned to assist the Complainant, the Support Teacher said that this person was the special education coordinator for the cluster of schools of which the School was part. She said that neither herself nor the Coordinator personally delivered services to students with disabilities "directly." The Complainant provided all of the services herself, but had a lot of questions. When she could not answer them, she directed her to the Coordinator.

OCR requested documentation of the certification of all teachers in the School who teach special education or CE classes. The District provided a list of all teachers at the School along with a GPSC printout showing the certifications of the 11 special education teachers. All of the teachers were certified with either the special education general curriculum or adapted curriculum consultative certification, valid through June 30, 2014 or later.

OCR also requested copies of the IEPs of all of the students with disabilities in the Complainant's XXXXXXXXXXXXXXX class sections. There were 24 such students. Under the heading "Special Education

² The District offered the Complainant a renewed contract for the 2013-14 school year; however, she informed OCR that she was not sure she would return.

Instruction/Related Services in General Education Classroom” five of these students were to receive services specifically to be provided by a Special Education Teacher.

OCR also requested a statement from the Complainant’s co-teacher in the XXXXXXXXXXXXXXXX classroom, describing how she implemented the IEPs. The co-teacher stated that she worked within the collaborative setting for the entire school year. Within that setting there were approximately 17 students who received services aligned with their IEPs. The co-teacher provided a list of typical classroom accommodations that were offered to all students, including those with IEPs, e.g., preferential seating, daily repetition of directions, use of positive reinforcers, use of agendas, and pullouts for small group instruction. She did not dispute that she did not have certification as a Special Education teacher.

Analysis and Conclusion

OCR found that the Complainant, who replaced a certified special education teacher, was not certified to teach special education; nor was her co-teacher. Because they held clear renewable certificates, they were eligible to apply for the special education general curriculum non-renewable certificate; but neither one did so. Both the Complainant and District staff described the class as a collaborative education class, containing 7-10 students with varying disabilities. However, the student’s IEPs use the term “co-taught.” Under GDOE policy, co-taught classes require a higher degree of involvement by the assigned special education teacher. OCR therefore found that the Complainant was the designated special education teacher in a co-taught class, but she was not trained in the instruction of the students.

Under OCR’s interpretive analysis of its Section 504 regulation, FAPE may be implicated if the disabled students’ teachers are not trained in the instruction of the students with disabilities in question.

The evidence shows that the Principal assigned the Complainant to an inclusive regular education class in which approximately a third of the students received related aids and services pursuant to their IEPs. Neither the Complainant nor her co-teacher was certified in special education or had provisional certification. The Principal assigned the XXXXXXXX Teacher, who was also the School’s Special Education Department XXXXX, to ensure that the IEPs were properly implemented. This teacher, however, informed OCR that she did not personally provide the services, but assisted the Complainant by answering her questions or directing her to the IDEA Coordinator for assistance.

OCR found that the District’s failure to provide a certified special education teacher to deliver services for students whose IEPs required the services to be delivered by a special education teacher effectively denied a FAPE to those students.

Accordingly, OCR found evidence of noncompliance with Section 504 and Title II with respect to this issue. The District has voluntarily agreed to resolve the issue by entering into the attached Resolution Agreement. When fully implemented, the District will be considered in full compliance with Section 504 and Title II with respect to this issue.

Issue 2: Whether the District retaliated against the Complainant for advocating on behalf of students with disabilities by giving her a negative mid-year evaluation.

In order to determine if unlawful retaliation occurred, OCR must determine: (1) whether the complainant engaged in an activity protected by the laws OCR enforces; (2) whether the recipient was aware of the protected activity; (3) whether the recipient took adverse action against the complainant contemporaneous with or subsequent to the protected activity; (4) whether there is a causal connection between the adverse action and the protected activity, and if so, (5) whether the recipient has a legitimate, nondiscriminatory, nonpretextual reason for the adverse action.

To determine whether an action is adverse, OCR must determine whether the recipient's action significantly disadvantages an individual as to her status or her ability to gain the benefits of the recipient's program. In the alternative, even if the challenged action does not meet this standard because it does not objectively or substantially restrict an individual's opportunities, the action could be considered adverse if the challenged action could reasonably act as a deterrent to further protected activity, or if the individual was, because of the challenged action, precluded from pursuing his discrimination claims. To make this determination, OCR considers whether the alleged adverse action caused lasting and tangible harm, or had or could reasonably have a deterrent effect. OCR makes this determination on a case-by-case basis and in light of all the facts and circumstances of the case.

Protected Activity and the District's Knowledge of the Activity

In order to find that a recipient has retaliated against an individual in violation of Section 504, the individual must have participated in an activity or asserted rights protected by Section 504 of which the recipient had knowledge. The Complainant stated that she engaged in protected activity on three occasions:

(1) The Complainant stated that on January 8, 2012, she sent a letter to the Principal, (with copies to other District staff) responding to a letter the Principal had given her dated December 21, 2012, which reprimanded her for unprofessional conduct XXXXXXXXXXXXXXXX and reassigned her to a XXX grade special education classroom. In her response, the Complainant informed the Principal that placing her as the teacher in a special education classroom was unethical and violates Section 504 and the Individuals with Disabilities Education Act. She said that she had made repeated complaints to the Principal and Assistant Principal (AP) that she was not certified in special education; however, the only response to her complaints was that the AP told her that it was permissible for her to teach the class.

The District provided documentation showing that on January 9, 2013, the Complainant emailed the Principal a letter in which she characterized the December 21 letter as a "letter of reprimand," contested the veracity of the incidents reported by her students, and denied using any inappropriate language in class. The Complainant protested the reassignment to the CE classroom on the basis that the design of the class requires both a general education teacher and a special education teacher, but neither she nor her co-teacher were special education teachers. She stated that this was not the first time that she felt as though she had been retaliated against.

The ASHR responded to the Complainant's letter by e-mail dated February 9, 2013. She informed the Complainant that the Principal's letter was not a reprimand, which can only be issued by the Superintendent and is a more severe warning. She addressed the Complainant's concern regarding her reassignment as a collaborative teacher in a special education classroom by saying that she had spoken with the Principal, who informed her that she was to receive "significant support" from the IDEA Coordinator and the Special Education Support Teacher, while "being responsible for carrying out the goals and objective of the students' IEPs." The Support Teacher was assigned to complete the paperwork documenting that the Complainant was providing the services.

Because the Complainant's letter raised, although incidentally, the issue that students' right to a FAPE could be adversely impacted by her lack of special education certification, OCR finds that this constitutes a protected activity under Section 504.

(2) The Complainant stated that she complained to the Principal about a letter, dated January 8, 2013, that the Principal had sent to parents of the CE class announcing that the Complainant would be teaching the class in spring 2013, falsely stating that she was certified in special education. The Complainant also sent a written complaint to the Principal's supervisor and the ASHR. The ASHR Director assured her that she would meet with the Principal. A month later the HR Director notified her in a letter that she had met with the Principal and was dismissing the complaint.

In response, the District provided a copy of an email dated January 8, 2013, in which the Principal notified parents of the XXX grade CE class that, effective that day, their students would have the Complainant as "a new Special Education - XXXXXXXXXXXX teacher," along with two other teachers who would continue to teach the class collaboratively. However, there is no correspondence from the Complainant. As OCR did not receive a copy of the Complainant's alleged letter, from either the Complainant or the District, OCR could not corroborate that the alleged protected activity occurred. Additionally, as OCR already found that the Complainant's first alleged protected activity constituted protected conduct, the Complainant already satisfied the first element in OCR's analysis of retaliation complaints.

(3) The Complainant stated that while attending a training workshop for the School's special education teachers, the Complainant asked the School's IDEA Coordinator about the IEP of one of her CE students which indicated that the Student was to receive 120 minutes of special education services, including 30 minutes in XXXXXXXXXXXXXXX. She asked the Coordinator who was supposed to provide the 30 minutes. The Coordinator replied "you are." When the Complainant objected that she was not certified in special education, the Coordinator told her that it was permissible for her to deliver the services.

In an interview, the AP stated that she assisted the IDEA Coordinator in the training. She said that the AP stated that Complainant asked if she should be providing the services pursuant to a student's IEP. The IDEA Coordinator told Complainant that she could provide the services if she obtained the provisional certification within 3 years. OCR finds that this constitutes a protected activity.

Adverse Actions

Having found protected activity by the Complainant, OCR next determined whether she was subjected an adverse action. The Complainant alleged that the District retaliated against her by giving her a negative mid-year evaluation in two areas, communication and professionalism. She received a proficient rating in every other area. She stated that the evaluation, conducted by the AP, was not justified by the classroom observation. She stated that by citing in the evaluation an incident involving a student in fall XXXX, when she was teaching an XXXXXX grade XXXXXXXXXXXXXXX class, the Principal was looking for justification for having improperly moved her into a XXXXX grade CE class that she was not certified to teach. She alleged further that the reassignment to the CE class was an attempt to "set her up" for a non-renewal of her 2013-14 contract, because she will be required to obtain full certification once the provisional certificate expires, and she has no desire to be certified or to teach in special education.

The Complainant also stated that the Principal retaliated against her by sitting in uninvited on a meeting between her and the AP to discuss her classroom observation. The meeting is supposed to be between the evaluator and the teacher, to discuss the supervisor’s evaluation. She also alleged that following the meeting, she stopped receiving emails from the Professional Learning Center inviting her to attend courses in special education.

The District provided documentation showing that the Complainant met with the Principal and AP on December 21, 2012, for a Mid-year Conference to discuss her “performance and TKES evaluations from August – December, 2012.” The evaluation record, called the “formative assessment,” evaluates teachers on 10 elements, known as TKES, based on a supervisor’s “walk-through” or classroom observation, and performance during the evaluation period. The Complainant received a “needs development” rating on two standards: Learning Environment and Communication.

OCR determined that the negative evaluation in two areas on the mid-year evaluation, and the Principals’ letter reassigning her, could be considered an adverse action.

Causal connection

Having established that the Complainant engaged in a protected activity, that the District had knowledge of the protected activity, and that the District’s action could be an adverse action, OCR assessed the evidence to determine whether there was a causal connection between the protected activity and the adverse actions. One factor OCR considers in making such a determination is whether there is close proximity in time between the recipient’s knowledge of the protected activity and the adverse actions.

OCR determined that there was a close proximity in time between the protected activity and adverse actions. For OCR to find retaliation, however, the protected activity must occur before or contemporaneously with the adverse actions. XXX. The Principal notified her the same day that she was reassigning her to another classroom effective January 8, 2013, in which she would co-teach with an experienced XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX. In an email dated January 9, 2013, to rebut the deficient rating, the Complainant responded to the Principal’s letter and *inter alia*, protested her reassignment to the CE class on the basis that she lacked special education certification.

OCR provided the Complainant with an opportunity to rebut the evidence offered by the District. She contested the veracity of much of the District staff’s accounts with respect to their reasons for reassigning her. She provided contact information for the Special Education XXXXXXXX Teacher. When contacted by OCR, this witness stated that she was called to a meeting with the Principal, AP and counselor and was told that the reason the Complainant was to be moved to the XXX grade co-taught class was so that she would not have to teach by herself. Finally, the Complainant confirmed that the dates of her protected activities occurred following her reassignment.

Analysis and Conclusion

In this case, the first instance of the complaint’s protected activity occurred on January 9, 2013, when she sent the letter protesting the XXXXXXXX evaluation and the Principal’s letter of reassignment, both of which occurred on December 21, 2012, nineteen days earlier. In her rebuttal interview, the Complainant was given

several opportunities to offer evidence that she engaged in protected activities prior to negative evaluation and reassignment, but she confirmed the above chronology. Therefore, OCR found that the protected activity occurred after the Complainant's evaluation. See Clark County School Dist. v. Breeden, 532 U.S. 268, 121 S.Ct. 1508 (2001.) (No causal link between the filing of a lawsuit and a job transfer because the transfer decision was made *before* the lawsuit was filed.)

Based on the undisputed sequence of events, OCR did not find that there was a causal connection between the Complainant's protected activity and the adverse actions. Accordingly, OCR found insufficient evidence of noncompliance with respect to this issue.

This letter is not intended, nor should it be construed, to cover any other issues regarding compliance with Section 504 or Title II that may exist and are not discussed herein. 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.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If we receive such a request, we will seek to protect, to the extent possible, any personally identifiable information, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy.

OCR reminds the District that intimidation or retaliation against complainants by recipients of Federal financial assistance is prohibited. No recipient may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the laws OCR enforces, or because one has made a complaint, or participated in any manner in an investigation in connection with a complaint.

We work to resolve allegations of discrimination promptly and appropriately. If you have any questions about this letter, please contact Philip Weltner, Senior Attorney at (404) 974-402 or me, at (404) 974-9398.

Sincerely,

Cynthia G. Pierre
Office Director

Enclosure