



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

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ATLANTA, GA 30303-8927

REGION IV
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October 16, 2018

Dr. Steve Barker
Superintendent
Coweta County School District
237 Jackson Street
Newnan, Georgia 30263

Re: Complaint # 04-18-1318

Dear Dr. Barker:

This letter is to advise you of the outcome of the complaint that the U.S. Department of Education (Department), Office for Civil Rights (OCR) received on March 14, 2018, against the Coweta County School District (District) alleging discrimination on the bases of race and disability. Specifically, the Complainant alleged that the District discriminated against her son (Student), a former student at the CEC 8th Grade Charter and College Academy (School), on the basis of race when the School allowed the Student to be subjected to race-based harassment and failed to appropriately address the harassment. The Complainant also alleged that the District discriminated against the Student on the basis of disability when it failed to implement his April 12, 2018 Section 504 Plan.

OCR is responsible for enforcing Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d *et seq.*, and its implementing regulations at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race in educational programs and activities receiving Federal financial assistance (FFA); Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 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; 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 by public entities.

OCR initiated an investigation of the following legal issues:

- Whether the Student was subjected to peer harassment based on race and/or national origin during the 2017-2018 school year and the District failed to appropriately respond to the Complainant's complaints of the harassment, in noncompliance with Title VI and its implementing regulations at 34 C.F.R. § 100.3(a), (b)(1); and

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by fostering educational excellence and ensuring equal access.*

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- Whether the District denied the Student an appropriate education by failing to properly implement his April 12, 2018 Section 504 Plan in noncompliance with the Section 504 implementing regulation at 34 C.F.R. § 104.33, and the Title II implementing regulation at 28 C.F.R. § 35.130.

During the investigation, the Complainant voluntarily withdrew the allegation of disability based discrimination. Prior to the conclusion of the investigation, the District requested to voluntarily resolve the remaining allegation under Section 302 of OCR's *Case Processing Manual (CPM)*. Pursuant to the CPM, a complaint may be resolved at any time when, prior to the conclusion of OCR's investigation, the recipient expresses an interest in resolving the complaint and OCR determines that is appropriate to resolve the complaint with an agreement.

On October 10, 2018, the District signed the attached Resolution Agreement (Agreement), which once fully implemented, will resolve the complaint allegations in accordance with the requirements of Title VI. The Agreement requires the District to: (1) provide training to all School administrators, all School teaching staff, and School staff members involved in investigating complaints at the School, as well as staff members involved in investigating complaints at the District high schools, on the requirements of Title VI, including the prohibition of discrimination and harassment based on race, color, and national origin; (2) provide training to students at the School on the requirements of Title VI, including the prohibition of discrimination and harassment based on race, color, and national origin; and (3) amend District Policy JCE-R(1), which will include a record-keeping procedure for investigating formal and informal complaints of racial harassment of students, as well as harassment incidents of which the District has notice through other means.

OCR will monitor the District's implementation of the Agreement to ensure that it is fully implemented and that the District is in compliance with the statutes and regulations at issue in this complaint.

This concludes OCR's investigation of the complaint and should not be interpreted to address the District'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 District may not harass, coerce, intimidate, 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, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

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We appreciate the District's cooperation in the resolution of this complaint. If you have any questions, please contact, Kristen Williams, General Attorney, at (404) 974-9272, or me, at (404) 974-9356.

Sincerely,

A handwritten signature in blue ink that reads "Wendy Gatlin". The signature is written in a cursive, flowing style.

Wendy Gatlin
Compliance Team Leader

Enclosure