



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

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

REGION IV  
ALABAMA  
FLORIDA  
GEORGIA  
TENNESSEE

March 6, 2014

Dr. Jason L. Branch  
Oconee County Schools  
P.O. Box 146  
34 School Street  
Watkinsville, Georgia 30677

Re: OCR Complaint #04-13-1696

Dear Dr. Branch:

On August 12, 2013, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received the above-referenced complaint filed by XXXXXXXXX (Complainant) against the Oconee County School District (District) alleging that the District retaliated against him for filing a 2010 disability discrimination complaint with OCR. Specifically, the Complainant alleges that the District is giving potential employers negative information about him, as well as information concerning his 2010 OCR complaint, when the District is contacted by potential employers for a reference.

OCR is responsible for enforcing the following:

- 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. § 104, which prohibits recipients of Federal financial assistance from the Department from discriminating on the basis of disability.
- 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. § 35, which prohibits discrimination on the basis of disability by public entities.

Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>. As a recipient of Federal financial assistance from the Department, the District is subject to Section 504. Because the District is a public entity, it is also subject to Title II. Accordingly, OCR has jurisdiction over the complaint.

Based on the above, OCR investigated the following issue:

- Whether the District is giving the Complainant a negative reference in retaliation for the Complainant's filing a previous OCR complaint in noncompliance with Section 504 and

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its implementing regulation at 34 C.F.R. §104.61 and Title II and its implementing regulation at 28 C.F.R. § 35.134<sup>1</sup>.

During the course of the investigation, the District agreed to voluntarily resolve the complaint. Pursuant to OCR's procedures, a complaint may be resolved when, before the conclusion of an investigation, the recipient agrees to resolve the complaint. The attached Resolution Agreement (Agreement), which when fully implemented, will resolve this allegation.

OCR will monitor the District's implementation of this Agreement to ensure that it is fully implemented. If the District fails to fully implement the Agreement, OCR will reopen the case and take appropriate action to ensure compliance with Section 504 and Title II. Please be advised that the District may not harass, coerce, 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 that, if released, could constitute an unwarranted invasion of privacy.

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. Therefore, we are closing this complaint effective the date of this letter. If you have questions or concerns regarding OCR's determination, please contact Virgil Hollis, Compliance Team Leader at (404) 974-9366.

Sincerely,

Cynthia G. Pierre, Ph.D.  
Regional Director

Enclosure

cc: XXXXXXXXXXXXXXXXXXXX  
HALL BOOTH SMITH, P.C.  
Counsel for the District  
VIA EMAIL: XXXXXXXXXXXXXXX@hallboothsmith.com

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<sup>1</sup> The Complainant was granted a waiver, and OCR's investigation covered the period from the date of the Complainant's termination from the District (2010) through the date of this complaint.