



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

61 Forsyth St., Suite 19T10
ATLANTA, GA 30303

REGION IV
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May 21, 2015

Mr. Damon Raines
Superintendent
Walker County Department of Education
P.O. Box 29, 201 S. Duke Street
LaFayette, GA 30728

Re: Complaint #04-15-1094

Dear Mr. Raines:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has concluded its investigation of the above-referenced complaint filed by the Complainant on December 4, 2014, on behalf of her son (Student), against the Walker County School District (District). Specifically, the Complainant alleged that the District discriminated against the Student on the basis of disability when, on three separate occasions, December 19, 2012, March 28, 2013, and April 8, 2014, it forged the Complainant's signature on documents related to the Student's Individualized Education Program (IEP), failing to notify her about meetings and discussions about the Student's services and denying her an opportunity to participate in the same. The documents allegedly forged include a reevaluation/redetermination conference, a vocational rehabilitation written consent or written decline of services, and a special education IEP/Placement committee meeting notice. The Complainant also alleged that the District's forging of her signature on these documents was in retaliation for her filing of a previous complaint regarding disability discrimination against the District and for her advocacy on behalf of the Student's disability rights.

OCR is responsible for enforcing 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), 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 public entities.

Based on the allegations, OCR investigated the following issues:

- Whether the District denied the Student procedural safeguards when it allegedly forged the Complainant's signature, in noncompliance with the Section 504 implementing regulation at 34 C.F.R. § 104.36, and the Title II implementing regulation at 28 C.F.R. § 35.130.
- Whether the District retaliated against the Complainant, for filing a previous complaint of discrimination and for advocating for the Student's disability rights, when it allegedly forged the Complainant's signature,

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in noncompliance with the Section 504 implementing regulation at 34 C.F.R. § 104.61, and the Title II implementing regulation at 28 C.F.R. § 35.134.

During the course of OCR's investigation of this complaint, the District offered to resolve this complaint through a voluntary resolution agreement. Pursuant to Section 302 of OCR's Case Processing Manual), a complaint may be resolved when, before the conclusion of an investigation, the recipient requests to resolve the complaint. Based on the foregoing, OCR accepted the District's request to resolve this complaint and the District entered into the enclosed Resolution Agreement (Agreement) which, when fully implemented, will resolve the issues in this complaint.

OCR will monitor the District's implementation of the Agreement resolving this complaint until the District is in compliance with the statutes and regulations at issue in this case. 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. The Complainant may have the right to file a private lawsuit in federal court regardless of whether 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, personally identifiable information that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy. 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.

This concludes OCR's consideration of this complaint, which we are closing effective the date of this letter. As discussed above, OCR will monitor the implementation of the Agreement. If you have any questions regarding this complaint, please contact Ms. Claudia Campo, Attorney, at (404) 974-9378, or Mr. Arthur Manigault, Compliance Team Leader, at (404) 974-9376.

Sincerely,

s/

Melanie Velez, Esq.
Regional Director

Enclosure