



Submitted via email
October 18, 2024

Office of Civil Rights
Atlanta Office
Office for Civil Rights
U.S. Department of Education
61 Forsyth St. S.W., Suite 19T10
Atlanta, GA 30303-8927
Email: OCR.Atlanta@ed.gov

Re: Administrative Complaint Against Walton County School District (GA)

Dear OCR Representative:

E.C., a Black student with a disability in the Walton County School District (“WCSD or “district”) and his parent, T.C., bring this formal complaint against the WCSD for its racially discriminatory administration of exclusionary student discipline and discrimination against students with disabilities in its alternative school program. E.C. and T.C. bring this complaint on their own behalf and on behalf of similarly situated Black students and students with disabilities who attend school in the district and are subject to the same discriminatory practices.

E.C. and T.C. respectfully request that the Office of Civil Rights (“OCR”) exercise its authority under Title VI of the Civil Rights Act (“Title VI”), the Americans with Disabilities Act (“ADA”) and Section 504 of the Rehabilitation Act (“Section 504”) to investigate the district’s discriminatory disciplinary actions against E.C. and its refusal to accommodate his disability in his alternative school program. They further request that OCR investigate the district’s unlawful, systemic discrimination against Black students, who are disproportionately excluded from their regular schools, and students with disabilities, who are denied an equal opportunity to access an appropriate education in the district’s alternative program.

To remedy the systemic and individual violations identified herein, E.C. and T.C. request that OCR order the district to provide E.C. with compensatory education to address educational deficits resulting from the discrimination against him, and swiftly remedy its discriminatory student discipline practices and discriminatory administration of its alternative school program.

Jurisdiction

The WCSD is a public school district and local educational agency in the state of Georgia that receives federal funds. The WCSD is therefore bound by Title VI, Section 504, and Title II of the ADA. *See* 42 U.S.C. §2000d; 29 U.S.C. § 794(a); 42 U.S.C. §§ 12131-12132. The implementing regulations of each of these federal statutes expressly authorize OCR to

consider complaints alleging violations arising thereunder. *See* 34 C.F.R. § 100.7; 34 C.F.R. § 105.41; 28 C.F.R. § 35.170.

This complaint is timely because E.C. was subject to discriminatory school discipline practices and exclusion from school within the last 180 days, and because WCSD engages in ongoing discrimination against E.C. and other Black students with disabilities who attend school in the district.

Complainant

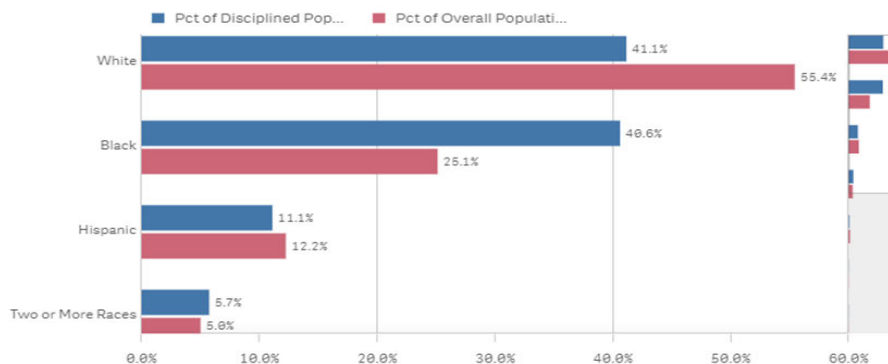
E.C. is a fourteen-year-old, Black, ninth grade student in the district. E.C. is a student with a disability, including attention deficit hyperactivity disorder (“ADHD”). Because of his disability, E.C. displays deficits in foundational academic skills and struggles with hyperactivity and attention problems. He needs services and accommodations to meaningfully access his public education. In April 2024, during his eighth grade year, E.C. was unlawfully expelled from his regular school, ██████████ Middle School (██████), and enrolled in the district’s alternative school program without his necessary services and accommodations. He brings this complaint on his own behalf and on behalf of other, similarly situated Black students and students with disabilities.

Discriminatory Student Discipline Practices

Title VI promises students equal access to educational opportunities without discrimination based on race. *See* 34 C.F.R. § 100.3. Public school districts like the WCSD are obligated to uphold this promise, as recipients of federal funds. But the WCSD fails to make good on the promise of Title VI for Black students in the district, who are disciplined more frequently and severely than their white counterparts.

In 2023, Black students made up only 25.1 percent of the student population but accounted for 40.6 percent of students disciplined.¹

Percent of Disciplined Population vs. Overall Population
By Race/Ethnicity

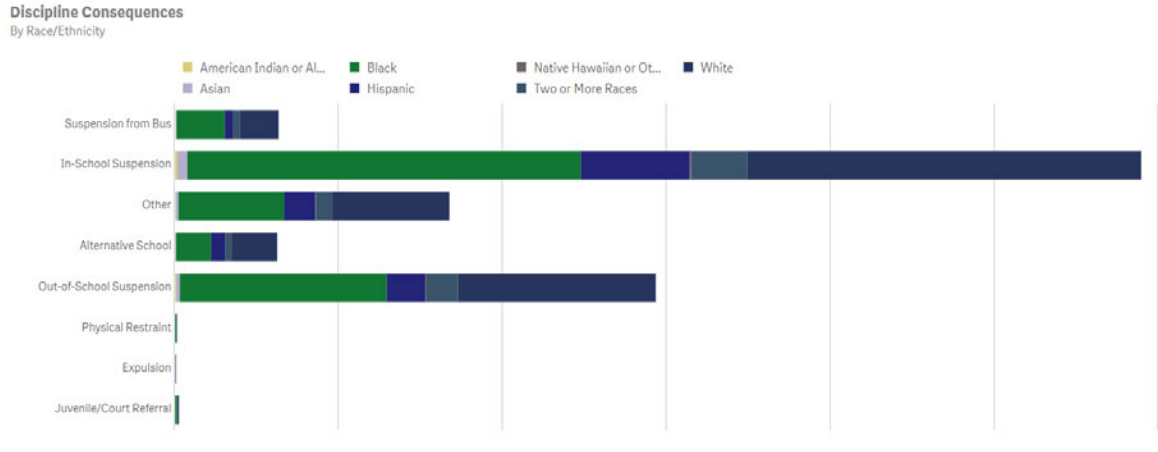


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¹ *See* K-12 Student Discipline Dashboard, *Governor’s Office of Student Achievement*, <https://public.gosa.ga.gov/noauth/extensions/DisciplineDashV1/DisciplineDashV1.html> (last accessed: Oct. 17, 2024).

² Image from K-12 Student Discipline Dashboard. *See id.*

Black students in the WCSD are not only disciplined more often than white students – they are also disciplined more harshly. In the 2023-2024 school year, a majority of students who received an out-of-school suspension were Black, despite that Black students make up only a fourth of the total student population.³



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Data previously collected by OCR establishes that this problem is not new. For the last ten years, Black students have been overrepresented within the population of students who received one or more out-of-school suspensions in the district.⁵ And for the 2020-2021 school year – the most recent school year for which OCR has published data – the majority of expulsions in the district involved Black students, despite that Black students account for less than a fourth of student enrollment.⁶

Prior to filing this complaint, the Southern Poverty Law Center also requested more recent and detailed discipline data from the WCSD pursuant to the Georgia Open Records Act (“ORA”). The district failed to release district-wide data as requested. Instead, the district only provided discipline data for each school within the district. As a result, the data is heavily redacted and therefore difficult to decipher.⁷

Despite the redactions, a focus on student discipline data for ██████ High School (“█HS”) – part of the school cluster from which E.C. was expelled – also reveals significant race disparities. In the 2023-2024 school year, Black students made up only 27 percent of the student population at █HS,⁸ but 41 out of the 108 total students who received an out-of-school suspension – or 38 percent – are Black.⁹ This year, as of September 17, 2024, 28 students

³ Of the students who received an out-of-school suspension in the 2023-2024 school year, 43 percent were Black. Only 40 percent were white. *See id.*

⁴ Image from K-12 Student Discipline Dashboard. *See id.*

⁵ *See* Civil Rights Data Collection: Walton County, U.S. Department of Education, *available at* https://civilrightsdata.ed.gov/profile/us/ga/walton_county?surveyYear=2020&nces=1305390.

⁶ *See id.*

⁷ The district redacted any category that contained 10 or fewer students.

⁸ *See* K-12 Student Discipline Dashboard, *Governor’s Office of Student Achievement*, <https://public.gosa.ga.gov/noauth/extensions/DisciplineDashV1/DisciplineDashV1.html> (last accessed: Oct. 17, 2024).

⁹ *See* ORA Response – █HS SY24 Resolution, attached hereto as Exhibit A.

have been suspended from █HS.¹⁰ Eleven of those students – or 39 percent – are Black.¹¹ Although data regarding expulsions and data from other schools is obscured due to heavy redactions, the overall picture remains clear: Black students are consistently overrepresented in the population of students subject to exclusionary discipline in the WCSD. This picture is bleaker for Black students with disabilities, who are systemically denied access to the benefits of the district’s alternative school program after being excluded from their regular schools, as discussed below.

Discriminatory Administration of Alternative School Program

Title II of the ADA and Section 504 promise equal access to educational opportunities without discrimination based on disability. *See* 34 C.F.R. §35.130. To that end, public school districts are obligated to reasonably modify their programs and services to ensure that students with disabilities have an equal opportunity to access and benefit from to those programs. *See* 34 C.F.R. § 35.130(b)(1); 34 C.F.R. § 35.130(b)(7). But in the WCSD, students with disabilities are denied the benefits of the alternative school program – which is generally the only public school option for students who have been excluded from their regular classrooms for discipline infractions.

The district’s alternative school program is entirely virtual. Students enrolled there receive instruction via laptops, at home. Students in the program are responsible for observing lessons, accessing coursework, and completing assignments on their own. They do not receive the same amount or quality of live instruction as they would in their regular schools. Students with certain disabilities – for example, disabilities resulting in cognitive impairments communication challenges, visual impairments, motor impairments, or deficits in attention, focus, and executive skills – face clear barriers to meaningfully participating in and benefitting from these types of online programs.

Despite the challenges of online learning for students with disabilities, students with disabilities are significantly overrepresented in the WCSD’s alternative school program, accounting for around 27 percent of alternative school enrollment compared with just around 17 percent of total student enrollment over the last three years.¹² Without modifications or accommodations, many of these students cannot participate in or benefit from these programs like their nondisabled peers. However, the district categorically refuses to allow for any accommodations or modifications to the alternative school program that involve in-person instruction or support, regardless of individualized need or circumstance. Even where a student’s individualized needs have been agreed on and documented in an Individualized Education Program (“IEP”) or Section 504 Plan, the district refuses to accommodate those needs in the alternative school program to the extent that they require in-person support. As a result of this rigid practice, students with disabilities are left to flounder and fall behind academically – sometimes irreparably.

¹⁰ *See* ORA Response – █HS SY25 Resolution, attached hereto as Exhibit B.

¹¹ *See id.*

¹² *See* ORA Response – Enrollment, Referral, Arrest, Alt School, attached hereto as Exhibit C.

Discrimination against E.C.

E.C. has suffered discrimination as a result of the district's discriminatory student discipline practices and discriminatory administration of its alternative school program, in violation of Title VI, the ADA, and Section 504.

1. *The district discriminated against E.C by disciplining him more severely than similarly situated white students.*

In April 2024, E.C. was in the bathroom when a white student (C.S.)¹³ approached E.C. and asked him to pass an electronic vaporizer device ("vape") to C.S.'s girlfriend, who was in the hallway. E.C. exited the bathroom and began to hand the device to C.S.'s girlfriend. A teacher observed the interaction and approached the students. Initially upon seeing the teacher, E.C. put the device in his pocket, but he quickly produced the object for the teacher. E.C. told the teacher that he had a "cart" and stated that it belonged to C.S.

Following this incident, the school initiated student discipline proceedings against E.C. and referred him to juvenile court for the alleged possession of a vape device.¹⁴ The school put forth no argument or evidence to counter E.C.'s statement that he received the device from C.S. and had it in his possession for mere minutes. But on April 22, 2024, E.C. was expelled from school through December 2024 – for the remainder of his eighth grade year and his entire first semester of high school.

By way of information and belief, C.S. – the white student to whom the vape belonged and who was in possession of the vape moments before E.C. – only received a short term, in-school suspension. And C.S. was not referred to juvenile court. Aside from their race, C.S. and E.C. were similarly situated, as students in the same grade who were involved in the same incident and engaged in the same alleged behavior. If there is any difference in conduct, it is that C.S. brought the vape to school and passed it to other students. Other white students in the district have also faced significantly lighter consequences for the same offense.

E.C. sought review of his expulsion from the Walton County Board of Education, notifying the Board of the district's Title VI violation. However, the Board affirmed the expulsion.

2. *The district discriminated against E.C. by denying him meaningful access to the alternative school program and then retaliating against him.*

Following his expulsion, E.C. was forced to enroll in the district's alternative school program. T.C. requested that E.C. receive necessary services, supports, and accommodations while in the alternative school, including some amount of in-person instruction as outlined in his IEP. It is well-documented that E.C. needs in-person, focused instruction and support to meaningfully access his public education as a result of his disabilities. However, the district categorically refused his request, stating that as a matter of practice, the alternative school program can only be administered virtually. The district then unilaterally amended E.C.'s IEP to remove any services, supports, or accommodations requiring in-person instruction.

¹³ Complainant has not disclosed C.S.' full name because he is a minor. Should OCR open an investigation, Complainant can provide more information.

¹⁴ In juvenile court, E.C. was charged with tobacco possession. He was not referred for or charged with possession of any illegal drug.

In July of 2024, E.C. filed a formal complaint with the Georgia Department of Education, challenging the district's refusal to provide necessary services and accommodations to him in the alternative school program. After E.C. filed this complaint and approximately one week before he started his ninth grade year, the district altered his schedule to remove two of his core classes – English Language Arts and Math – in an attempt to obviate its responsibility to provide in-person supports in those subjects. The district did not discuss the change with T.C. or E.C. before making it. Requests by E.C. and T.C. to add those courses back were refused.

As a result of this schedule change, E.C. may not be able to timely graduate with his required math courses. And he will not be able to complete the math credits required to apply to any institution in the University System of Georgia. The district has never discussed these implications of the schedule change with T.C. or E.C. The district's unilateral change to E.C.'s schedule was an act of retaliation in response to E.C.'s formal complaint. And it has caused irreparable harm to E.C., who dreams of going to a four-year college to become a veterinarian.

Request for Relief

Based on the foregoing, E.C. respectfully requests that OCR accept jurisdiction over his complaint and fully investigate his claims.

To remedy the discrimination that E.C. has experienced, he respectfully requests that OCR direct the WCSD to:

- (i) Remove the expulsion entered on April 22, 2024 from E.C.'s disciplinary record;
- (ii) Provide E.C. with necessary services, supports, and accommodations during his remaining time in the district's alternative school program, including in-person instruction;
- (iii) Provide E.C. with compensatory educational services to address any academic or other educational deficits resulting from the period between April 22, 2024, and December 20, 2024, when E.C. was expelled and denied the benefits of the alternative school program; and
- (iv) Develop a plan, in conjunction with E.C., T.C., and their legal counsel, to ensure that E.C. is able to complete his math courses as required for graduation and application to an institution within the University System of Georgia.

To remedy the systemic harms experienced by other Black students and students with disabilities in the district, E.C. further requests that OCR direct the WCSD to:

- (i) Cooperate with OCR or commission an independent expert to evaluate and identify the underlying source of the race disparities in the district's administration of exclusionary discipline;

- (ii) Revise its student discipline practices as necessary to eliminate or reform identified underlying causes of race disparities in its administration of exclusionary discipline;
- (iii) Revise its student discipline practices to reduce the use of exclusionary discipline, including revisions to use exclusionary discipline only as a method of last resort after other options have been exhausted, and revisions eliminating use of exclusionary discipline for non-violent non-serious infractions;
- (iv) Adopt an alternative student discipline approach such as a restorative discipline model; and
- (v) Modify its alternative school program to allow for implementation of IEPs and/or 504 plans that require in-person instruction, services, or accommodations, and to allow for consideration of reasonable accommodation requests for in-person instruction or support.

Conclusion

The WCSD's student discipline practices discriminate against Black students in violation of Title VI, and its rigid refusal to consider particular accommodations in its alternative school program discriminates against students with disabilities in violation of the ADA and Section 504. E.C. has suffered discrimination as a result of both practices, and requests relief on his own behalf and on behalf of his peers.

Respectfully submitted,

Claire Sherburne

Claire Sherburne, Ga. Bar No. 732244

Eugene Choi, Ga. Bar No. 121626

Michael J. Tafelski, Ga. Bar No. 507007

Southern Poverty Law Center

150 East Ponce de Leon Avenue

Suite 240

Decatur, Georgia 30030

Attorneys for Complainant

cc: Andrea Jolliffe, Esq.
Director of Legal Services & Policy for the Walton County School District
andrea.jolliffe@walton.k12.ga.us

OCR@ed.gov