



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
400 MARYLAND AVENUE, SW
WASHINGTON, DC 20202-1475

REGION XI
NORTH CAROLINA
SOUTH CAROLINA
VIRGINIA
WASHINGTON, DC

January 27, 2022

By email only to [REDACTED]

Callie Oettinger
[REDACTED]

Re: Complaint No. 11-22-1086
Fairfax County Public Schools

Dear Callie Oettinger:

On November 19, 2021, the U.S. Department of Education, Office for Civil Rights (OCR) received your complaint against Fairfax County Public Schools. You allege that the School Division retaliated against you after you advocated for students with disabilities, when the School Division (a) led the public to believe you posted private information about children and staff (Allegation 1) and (b) took legal action against you because you did not remove information from your website (Allegation 2).

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities receiving federal financial assistance. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination against qualified individuals with disabilities by public entities, including public education systems and institutions, regardless of whether they receive federal financial assistance. The School Division receives federal financial assistance from the Department and is a public entity, so OCR has jurisdiction over it pursuant to Section 504 and Title II. The laws enforced by OCR prohibit retaliation against any individual who asserts rights or privileges under these laws or who files a complaint, testifies, assists, or participates in a proceeding under these laws.

Because OCR determined that it has jurisdiction and that the allegations were timely filed, OCR is opening the allegations for investigation. Please note that opening the allegations for investigation in no way implies that OCR has made a determination on the merits of the complaint. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from you, the Division, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and fully responds to the complaint in accordance with the provisions of the *Case Processing Manual*, available at <http://www.ed.gov/ocr/docs/ocrcpm.pdf>. Also, in accordance with the *Case Processing Manual*, OCR will provide a copy of the complaint to the Division. OCR also would like to make you aware that individuals who file

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complaints with OCR may have the right to file a private suit in federal court whether or not OCR finds a violation.

Our goal is to resolve your complaint promptly. Information on OCR's complaint processing procedures is available at <http://www.ed.gov/ocr/complaints-how.html>. This website includes information about the possibility of mediating your complaint through a process known as Facilitated Resolution Between the Parties (FRBP). Also, when appropriate, a complaint may be resolved before OCR completes its investigation. Additional information about this kind of resolution is included on the website under the subheading "Resolution Agreement Reached During an Investigation."

Please be advised that the Division must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation against the Division complaint with OCR.

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, if released, that could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions, please contact the OCR attorneys assigned to this complaint, Lee K. Robbins at 202-245-8301 or lee.k.robbins@ed.gov, or Rashae Chambers at (202) 245-8076 or rashae.chambers@ed.gov.

Sincerely,



Digitally signed by
Zorayda Moreira-
Smith

Zorayda Moreira-Smith
Acting Team Leader, Team IV
District of Columbia Office
Office for Civil Rights