



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

May 28, 2025

Via e-mail only to: dan@will-law.org

Daniel P. Lennington
Deputy Counsel
Wisconsin Institute for Law and Liberty, Inc.

Re: Green Bay Area Public School District, OCR Case Number 05-25-1316

Dear Mr. Lennington:

On January 28, 2025, the U.S. Department of Education, Office for Civil Rights (OCR), received the complaint you filed against the Green Bay Area Public School District (the District) on behalf of your clients, Student A and his parent (the Complainant). The complaint alleges that the District discriminated against Student A on the basis of race (white) in fall 2024 by prioritizing special education services to students of other races. The complaint also alleges that the District discriminated against Student A on the basis of disability (dyslexia) in fall 2024 by failing to evaluate Student A for special education or related services.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d, and its implementing regulation at 34 C.F.R. Part 100, which prohibits discrimination on the basis of race, color, or national origin in a program or activity operated by recipients of federal financial assistance. OCR also enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulations at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulations at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of federal financial assistance and public entities, respectively. As a recipient of federal financial assistance from the Department of Education and as a public entity, the District must comply with these laws.

OCR evaluated this complaint in accordance with OCR's [Case Processing Manual \(CPM\)](#) (February 19, 2025) and has decided to open the complaint for investigation.

OCR will investigate the following issues:

- whether the District violated the Title VI regulation at 34 C.F.R. § 100.3, and
- whether the District failed to evaluate Student A as a student with disabilities who is believed to need special education or related services consistent with the Section 504 regulation at 34 C.F.R. § 104.35 and the Title II regulation at 28 C.F.R. § 28.130.

Please note that opening an investigation does not mean that OCR has made a final determination with regard to the complaint's merits. During the investigation, OCR is neutral; OCR will collect and analyze the evidence it needs in order to make a decision about the

complaint. OCR will ensure that its investigation is legally sufficient in accordance with OCR's CPM. Additional information is available at [Complaint Processing Procedures](#). Please note that you may have the right to file a private suit in federal court whether or not OCR finds a violation.

If OCR determines during the course of the investigation that a complaint could be appropriate for mediation, OCR will contact the parties and offer this resolution option.

Recipients 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 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, it will seek to protect, to the extent provided by law, personally identifiable information, that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

OCR will communicate with you periodically during its investigation. When contacting the office about your case, please refer to the case number at the top of this letter. If you have any questions, please contact OCR Attorney Jessica Cook, who is assigned to investigate this complaint and can be reached by e-mail at jessica.cook@ed.gov.

Sincerely,

Sandra Roesti
Team Leader