

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION**

E.C., by and through his parent,
TONESHIA C., and TONESHIA C.,

Plaintiffs,

v.

WALTON COUNTY SCHOOL
DISTRICT, and TARA GEISER,
in her individual capacity,

Defendants.

CIVIL ACTION NO.:
3:25-CV-00158-TES

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT

Plaintiffs E.C.,¹ by and through his mother, Toneshia C., and Toneshia C., in her individual capacity, bring this civil action and file this First Amended Complaint² against Defendants Walton County School District and Tara Geiser, in her individual capacity, for violations of the Americans with Disabilities Act (“ADA”), the Rehabilitation Act of 1973 (“RA”), and the Individuals with Disabilities Education Act (“IDEA”). Plaintiffs seek reversal of the administrative decision by the Georgia

¹ E.C. is a minor child and submits this Complaint using his initials pursuant to Local Rule 5.4(A)(3).

² Defendants’ Motion to Dismiss, filed on October 28, 2025 (Doc. 8), is now moot because Plaintiffs have filed this First Amended Complaint. *See Southern Pilot Ins. Co. v. CECS, Inc.*, 15 F. Supp. 3d 1284, 1287 n.1 (N.D. Ga. 2013) (*citing Dresdner Bank AG v. M/V Olympia Voyager*, 463 F.3d 1210, 1215 (11th Cir.2006)). Therefore, Plaintiffs do not intend to file a response to Defendants’ MTD unless this Court directs otherwise.

Office of Administrative Hearings (“OSAH”), which denied E.C. the relief he was entitled under the IDEA, and seek monetary, injunctive, and declaratory relief.

I. INTRODUCTION

E.C. is a tenth-grade student who aspires to become a veterinarian. And this is an attainable goal for him. E.C. loves animals. He is motivated, hardworking, kind, and respectful towards his teachers. Although E.C. is a student with learning and other neurological disabilities, he is also a student with “enormous potential.” He is capable of meeting grade level standards and attending a four-year-college or university upon graduation, so long as he receives individualized services and accommodations. But Defendants have unlawfully impeded E.C.’s ability to realize his potential and accomplish his goals.

For years, E.C. struggled to make academic progress while Defendants allowed him to languish. After years of stagnant progress, Defendants moved E.C. to an entirely virtual program following a disciplinary incident. Rather than modifying the virtual alternative program to accommodate E.C.’s educational plan – which included necessary, in-person services for E.C. – Defendants forced E.C.’s plan to fit their virtual program. When Plaintiffs objected, Defendants doubled down – changing E.C.’s high school schedule and placing him on an alternative graduation pathway to avoid providing him with the in-person services that he needed. And when E.C. returned to his regular educational placement, Defendants continued to refuse to modify E.C.’s education program to address his well-documented learning disabilities – because that would undermine their legal defense in these proceedings.

Defendant Walton County School District has denied E.C. an appropriate education in violation of the IDEA and discriminated against E.C. in violation of the ADA and the RA by excluding him from his public education, isolating him in a virtual placement, and failing to accommodate his disability-related needs. And Defendants Walton County School District and Tara Geiser have retaliated against E.C. and Toneshia C. for challenging them, in violation of the ADA and Section 504 of the RA. Now, because of Defendants' actions and inaction, E.C. is not on track to graduate with the credits necessary to apply to a four-year college or university in Georgia. He lacks basic, fundamental math skills. And he was forced to move and transfer out of the Walton County School District to mitigate the harms caused by Defendants. Plaintiffs want to return home, but they need relief from this Court to ensure that they can do so without sacrificing E.C.'s educational aspirations.

II. JURISDICTION AND VENUE

1. This action arises under Title II of the ADA, 20 U.S.C. §§ 12101 *et seq.*, Section 504 of the RA, 29 U.S.C. § 794, and Part B of the IDEA, 20 U.S.C. §§ 1401 *et seq.* Plaintiffs' claims are authorized by 42 U.S.C. § 12133, 29 U.S.C. § 794a, and 20 U.S.C. § 1415(i)(2)-(3).

2. Jurisdiction in this Court is proper under 28 U.S.C. § 1331 (federal question jurisdiction) and § 1343 (civil rights jurisdiction). Declaratory relief is authorized by 28 U.S.C. §§ 2201 and 2202, as an actual controversy exists within this Court's jurisdiction.

3. Venue in the Middle District of Georgia, Athens Division, is proper pursuant to 28 U.S.C. § 1391(b) and Local Rule 3.4 because the events and omissions giving rise to this action occurred in this judicial district.

4. Plaintiffs have exhausted all administrative remedies available to them in accordance with 20 U.S.C. § 1415(l) of the IDEA, and this Court has jurisdiction over Plaintiffs' claims pursuant to 20 U.S.C. § 1415(i)(2)-(3). On October 18, 2024, Plaintiffs filed an administrative due process complaint. Plaintiffs seek an appeal of the administrative decision, issued by the Office of State Administrative Hearings on August 18, 2025, pursuant to the IDEA, 20 U.S.C. § 1415(i).

III. PARTIES

5. **PLAINTIFF E.C.** is a 15-year-old, tenth-grade student who attended school in the Walton County School District from March 2022 to August 2025. E.C. is a qualifying individual with a disability as defined by the ADA, the RA, and the IDEA.

6. **PLAINTIFF TONESHIA C.** ("T.C.") is E.C.'s mother. At all relevant times, T.C. made decisions and acted on behalf of E.C. and herself, including exercising, or attempting to exercise, Plaintiffs' rights under the ADA, RA, and the IDEA.

7. **DEFENDANT WALTON COUNTY SCHOOL DISTRICT** ("WCSD" or "District") is a public school system in Walton County, Georgia. WCSD is a public entity under the ADA, 42 U.S.C. § 12131, and receives federal financial assistance under the RA, 29 U.S.C. § 794. WCSD is a local educational agency under the IDEA, 20 U.S.C. § 1401(19).

8. **DEFENDANT TARA GEISER** (“Geiser”) is the Director of Special Education for WCSD. Geiser is a district-wide school official who has supervisory authority, final decision-making authority, and the authority to institute measures related to Plaintiff E.C.’s education in the WCSD. At all relevant times, Geiser had actual notice of the facts alleged by Plaintiffs, and she was directly involved in the decisions made against E.C as alleged. Geiser is being sued in her individual capacity under the ADA, 42 U.S.C. § 12203.

IV. FACTUAL ALLEGATIONS

A. E.C. is a student with disabilities who needs accommodations and services in school.

9. In March 2022, E.C. enrolled in the WCSD as a sixth-grade student.

10. E.C.’s teachers describe him as a “model student” with “enormous potential.”

11. E.C. loves animals and hopes to attend a four-year college or university to become a veterinarian.

12. E.C. is capable of achieving his educational and career goals.

13. E.C. is also a student with disabilities.

14. E.C. has been diagnosed with attention-deficit/hyperactivity disorder (“ADHD”), language disorder, specific learning disorder in math (or “dyscalculia”), and specific learning disorder in writing (or “dysgraphia”).

15. E.C.’s disabilities adversely affect his behavioral, functional, and academic performance in school.

16. Because of his disabilities, E.C. needs accommodations, special education, and related services to participate in, benefit from, and make progress in school.

17. E.C. displays hyperactivity, attention problems, and poor impulse control.

18. He has difficulty initiating tasks, sustaining tasks, completing tasks, maintaining focus, recognizing errors, planning, organizing, monitoring output, and holding information in his working memory over time.

19. E.C.'s disabilities also impede his ability to process and interpret new information.

20. E.C. has difficulty learning new concepts and skills, especially in math and writing.

21. E.C.'s learning difficulties are not the result of low cognitive or intellectual functioning.

22. Prior to entering the WCSD, when he was in the third grade, E.C. was determined to be a student with a disability and found eligible to receive special education and related services through an Individualized Education Program ("IEP") under the category of Other Health Impairment ("OHI").

23. OHI refers to limited strength, vitality, or alertness due to chronic or acute health problems such as attention deficit disorder.

24. In May 2023, the WCSD also determined that E.C. is a student with a disability who is eligible to receive special education and related services through an IEP, also under the category of OHI.

B. Although E.C. is capable of learning grade-level content, E.C.'s educational program has not allowed him to make sufficient progress.

25. E.C. is capable of learning grade-level content in accordance with the Georgia general education standards and curriculum, so long as he receives appropriate services and accommodations to address and ameliorate the effects of his disabilities.

26. E.C. received some special education and related services through an IEP while at the WCSD.

27. When E.C. was in seventh grade, the IEP team decided that E.C. needed co-teaching in English language arts (“ELA”), math, science, and social studies classes.

28. “Co-teaching” refers to a special education placement in which a student is in a general education classroom with one general education teacher and one special education teacher.

29. When E.C. was in eighth grade, the IEP team decided that he needed small group instruction in math.

30. “Small group” refers to a special education placement in which a student is in a small classroom with one special education teacher.

31. However, E.C.'s middle school IEPs failed to provide him with appropriately individualized IEP goals, services, and accommodations to allow him to make progress or acquire skills in accordance with his potential.

32. E.C. received "EDGE" lessons as a primary intervention for his learning difficulties in math.

33. EDGE lessons are a component of Let's Go Learn ("LGL"), an automated computer program used by the District for students with deficits or challenges in math.

34. EDGE lessons are standardized, prerecorded, and do not include any live instruction or feedback.

35. LGL also includes a "diagnostic assessment" that measures a student's math skills and provides a grade level equivalency based on LGL's algorithm.

36. The District used LGL's assessment to develop E.C.'s math goals.

37. The District failed to provide E.C. with math and writing goals and interventions that were appropriately individualized for E.C.'s needs.

38. The District also failed to address E.C.'s behavior-related learning difficulties with appropriate goals and services or conduct a functional behavioral assessment ("FBA").

39. As a result, E.C. did not progress sufficiently while in the WCSD.

40. E.C.'s academic achievement in math and writing stagnated during middle school.

41. In 2023, when E.C. was in the seventh grade, his academic achievement in math and writing was in the “very low” range per a psychological evaluation conducted by the WCSD (“WCSD Evaluation”).

42. E.C. scored in the bottom 1st percentile in math achievement and math computation, and the bottom 2nd percentile on math concepts and applications.

43. E.C. did not demonstrate mastery in addition and subtraction with regrouping and struggled with word problems, multiplication, division, time and money, and fractions.

44. E.C. scored in the bottom 5th percentile in writing skills.

45. In 2024, when E.C. was in eighth grade, his academic achievement was assessed again in a private, independent educational evaluation, conducted by Dr. Laronta Rush (“Rush IEE”).

46. E.C. scored in the bottom 1st percentile in math calculation – equivalent to a second-grade student.

47. E.C. scored in the bottom 8th and 3rd percentiles in spelling and writing fluency, respectively.

48. The Rush IEE noted that E.C.’s math skills were “highly discrepant from his cognitive potential,” and that he “made errors on basic operations he would be expected to know at his age and grade.”

49. E.C. also failed multiple classes and his academic performance in critical subjects remained several grade levels below his peers each year in WCSD.

50. In sixth grade, E.C. failed ELA, math, and science.

51. In seventh grade, E.C. failed math and his seventh-grade exploratory class.

52. In eighth grade, E.C. failed exploring agriculture, physical science, and social studies and barely passed math with a grade of 70.

53. Every standardized assessment that WCSD administered also showed that E.C. was significantly behind his peers on every academic subject tested, particularly in math.

54. The Measure of Academic Progress (“MAP”) assessment is an adaptive assessment designed to measure a student’s achievement and growth in core academic subjects, as compared to similar students nationwide. WCSD regularly uses the MAP to assess all students.

55. E.C.’s sixth grade MAP score in math placed him in the bottom 4th percentile, indicating low achievement as compared to same-grade peers.

56. E.C.’s seventh grade fall, winter, and spring MAP scores placed him in the bottom 3rd, 2nd, and 4th percentiles, respectively, in math.

57. E.C.’s eighth grade fall, winter, and spring MAP scores again placed him in the bottom 3rd, 2nd, and 4th percentiles, respectively, in math.

58. The Georgia End-of-Grade (“EOG”) Milestones is a state standardized assessment given to middle school students after they complete a grade. The EOG Milestones tests a student’s mastery and command of knowledge and skills outlined in Georgia’s content standards.

59. E.C.'s eighth grade EOG scores placed him at the "Beginning Learner" level in ELA, math, science, and social studies—the lowest possible achievement level according to the Georgia Department of Education.

60. This level established that E.C. did not demonstrate proficient grade level knowledge and that he needed "substantial academic support to be prepared for the next grade level or course and to be on track for post-secondary readiness."

61. Other measures of progress and achievement administered by the WCSD also revealed that E.C. was consistently performing well below his peers in middle school.

62. In September 2022, when he was in the seventh grade, E.C.'s LGL total diagnostic assessment score showed that his math grade level equivalency was 4.63. This reflected that E.C.'s math grade level equivalence was that of a student who had finished half of fourth grade.

63. Early the next semester, E.C.'s total grade level equivalency in math was 5.16.

64. A year later, when E.C. was assessed in the eighth grade, his math grade level equivalency had regressed to 4.46.

65. At the start of high school, E.C.'s math grade level equivalency was still at 4.9.

66. For years, T.C. raised concerns that E.C.'s IEP goals and services did not account for E.C.'s individualized deficits and needs and did not allow E.C. to make sufficient progress in light of his circumstances.

67. WCSD failed to meaningfully address T.C.'s concerns.

C. At the end of eighth grade, the District placed E.C. in an isolated, virtual education placement and removed necessary services.

68. E.C. attended Loganville Middle School ("LMS"), in the WCSD, for sixth, seventh, and most of eighth grades.

69. In April 2024, at the end of eighth grade, E.C. was expelled from LMS for allegedly passing an electronic vaporizer device between two other students.

70. E.C. was expelled for the last month of his eighth-grade year and through the first semester of his ninth-grade year.

71. E.C. was assigned to the District's alternative program, the Walton Alternative Center ("WAC"), during the period of his expulsion.

72. WAC is an entirely virtual educational placement.

73. As a matter of practice, WAC students do not receive in-person instruction, support, or accommodations, regardless of disability-related needs.

74. The District held an IEP meeting for E.C. in May 2024, shortly after he enrolled in the WAC program and with only a few weeks remaining in his eighth-grade year.

75. During the May IEP Meeting, a District representative explained that co-teaching services are unavailable to WAC students.

76. A District representative also advised that small group instruction with special education teachers was not available at the WAC except for in one course called "study skills."

77. At the May IEP Meeting, T.C. expressed concerns that E.C. would not receive an appropriate education in the virtual WAC because of his disability-related needs.

78. T.C. objected to the removal of any of E.C.'s in-person co-teaching or small group services, or any other services and supports designated in E.C.'s IEP.

79. T.C. requested that E.C. continue to receive his special education services and accommodations in the WAC or elsewhere.

80. The IEP team did not reach a decision regarding the removal of E.C.'s services at the May IEP meeting.

81. However, the finalized copy of the May IEP removed E.C.'s 5 daily hours of in-person special education services in ELA, math, science, and social studies.

82. The District replaced these services with a 1 hour and 15-minute "study skills class."

83. The study skills class is a virtual elective class for students with disabilities who have an IEP.

84. The study skills course is used at the District's discretion and has no set curriculum or grade-level standards.

85. The study skills course was not an equivalent service or a sufficient replacement for E.C.'s in-person services and accommodations in his prior IEP.

86. The District's decision to remove in-person services and replace them with a study skills class was made without T.C.'s involvement or consent.

87. According to the May IEP, the District would resume E.C.'s regular co-taught and small group services upon E.C.'s exit from the WAC and return to his regular school placement.

D. When E.C. and T.C. challenged the removal of E.C.'s services, Defendants retaliated against them.

88. On July 17, 2024, T.C. challenged the District's refusal to provide E.C. with his special education services in the WAC and unilateral decision to remove those services from his IEP by filing a Formal Complaint with the Georgia Department of Education ("GaDOE").

89. Shortly after T.C. filed her Formal Complaint, Defendants changed E.C.'s ninth-grade schedule to remove his ELA and Algebra classes, which E.C. was previously scheduled to take in his first semester of ninth grade.

90. ELA and math were the only two courses on E.C.'s schedule that would have required in-person co-teaching or small group support pursuant to his prior IEP.

91. E.C.'s new schedule reflected that ELA and Algebra had been replaced with art and study skills.

92. The new schedule also removed all of E.C.'s second semester classes and left those blank.

93. The changes to E.C.'s schedule were made without T.C. or E.C.'s knowledge or consent.

94. On August 6, 2024, the IEP team met again ("August IEP Meeting"), including Defendant Geiser.

95. At that meeting, T.C. again objected to the removal of E.C.'s co-teaching and small group services and expressed concern that E.C. would fall further behind if educated virtually at home while in the WAC because of his disabilities.

96. Defendants did not agree to provide E.C. with his prior special education services at the WAC.

97. Instead, Defendants offered E.C. a second study skills session after school twice per week at a public library.

98. T.C. disagreed that this would be an adequate replacement for E.C.'s prior in person services or sufficient to provide E.C. with an appropriate education but allowed him to participate.

99. T.C. also objected to Defendants' unilateral decision to remove math and ELA from E.C.'s schedule.

100. T.C. emphasized her concerns that Defendants' actions jeopardized E.C.'s timely graduation.

101. Defendants continued the discussion regarding E.C.'s schedule to another day due to time constraints and ended the meeting.

102. A few days after the August IEP Meeting, the District provided T.C. with a copy of E.C.'s amended IEP.

103. The amended IEP reflected that Defendants added a second study skills session to E.C.'s IEP but also *removed* E.C.'s co-teaching services in science and small group services in math for *when he exited the WAC and returned to his regular school placement* in January 2025.

104. The decision to remove E.C.'s co-teaching and small group services upon his return to his regular school placement was made without T.C.'s knowledge or consent.

105. On August 16, 2024, T.C., through legal counsel, sent a letter to Geiser outlining T.C.'s position that Defendants' actions were discriminatory and retaliatory. The letter demanded that Defendants cease violating Plaintiffs' rights and that Geiser take corrective action.

E. Defendants failed to address or correct the harm caused by their retaliatory actions.

106. The IEP team, including Geiser, met again in September to continue the discussion about E.C.'s schedule.

107. At the September IEP meeting, a District representative stated that the semester was too far along to add E.C.'s ELA and math classes back to his schedule.

108. A District representative stated that E.C. would not be able to take Algebra during his second semester of ninth grade, either.

109. Instead, Defendants placed E.C. in Foundations of Algebra for his second semester of ninth grade.

110. Georgia law requires a school district to notify a student's parent when it proposes to place the student in Foundations of Algebra.

111. However, Defendants' decision to place E.C. in Foundations of Algebra was made without T.C.'s knowledge or consent.

112. On September 13, 2024, the GaDOE issued a decision in response to T.C.'s Formal Complaint. The GaDOE made the following investigative findings in

all four areas of its review: (1) “The district is not in compliance with Development, review, revision of Individualized education program (IEP) (34 C.F.R. § 300.324)”; (2) “The district is not in compliance with Prior notice by the public agency, content of notice. (34 C.F.R. § 300.503)”; (3) “The district is not in compliance with Discipline Procedures (34 C.F.R. § 300.530)”; and (4) “The district is not in compliance with Provision of Free appropriate public education (FAPE) (34 C.F.R. §§ 300.17, 300.101).”

113. On October 4, 2024, the District held another IEP meeting.

114. At the October IEP meeting, Defendants failed to meaningfully address or remedy the violations outlined in the GaDOE decision.

115. The finalized copy of E.C.’s October IEP reflected that Defendants reduced E.C.’s after-school study skills session from 1.5 hours to 1 hour, without T.C.’s knowledge or consent.

F. E.C. languished at the WAC.

116. During E.C.’s first semester of ninth grade, he was isolated at home and educated virtually in the WAC.

117. E.C. could not meaningfully participate in, benefit from, or make progress in the virtual WAC program because of his disabilities.

118. E.C.’s attention, executive functioning, and learning deficits make it very challenging for him to access information virtually.

119. All of E.C.’s classes at the WAC were virtual.

120. E.C.’s only academic class was environmental science.

121. E.C. did not receive necessary accommodations at the WAC.

122. The only “special education services” that E.C. received at the WAC during this time were provided in his virtual study skills class.

123. These services were not sufficient to allow E.C. to participate in, benefit from, or make progress in the WAC.

124. E.C. was among eight other students of varying grades in his virtual study skills class.

125. In his virtual study skills class, E.C.’s teacher only appeared on camera for about 10 minutes at the beginning of class to deliver assignments which the students were expected to complete off-camera for the remainder of class.

126. During E.C.’s virtual study skills class, he worked on assignments from his other classes and was assigned daily “Bell Ringers.”

127. To complete “Bell Ringers,” E.C. had to answer questions like “what are two things you’ve never done, but would love to try?” or “what is one thing that might scare others but doesn’t scare you?”

128. E.C. also received some EDGE lessons during his virtual study skills class.

129. LGL automatically selects which EDGE Lessons to give to a student from an existing set, based on how the student performed on the LGL diagnostic assessment.

130. E.C. has always struggled to access and complete EDGE Lessons because of his attention and learning problems.

131. Still, the District relied exclusively on EDGE lessons to provide E.C. with math instruction during his first semester at the WAC.

132. In October 2024, E.C. began receiving some in-person after school sessions.

133. These afterschool sessions were insufficient to allow E.C. to participate in, benefit from, or make progress in the WAC.

134. During his afterschool sessions, E.C. was given three or four writing assignments, worked on EDGE lessons, caught up on science assignments, and played on his phone.

135. E.C. was the only student in his afterschool sessions.

136. E.C. did not make progress during his time at the WAC.

G. Defendants' retaliatory and unlawful decisions have caused ongoing harm to E.C.

137. In the spring semester of 2025, Defendants placed E.C. in Foundations of Algebra when E.C. returned to his regular educational placement because he was behind in math.

138. E.C. was behind in math, in part, because he was not in a math class during the fall semester of 2024.

139. Foundations of Algebra is not part of the Georgia standard high school curriculum.

140. To graduate high school in Georgia under a standard curriculum pathway, students must complete four math courses—Algebra, Geometry, Advanced Algebra, and a fourth math.

141. Foundations of Algebra cannot satisfy the fourth math requirement under the standard graduation pathway but can satisfy graduation requirements under an *alternative* “foundations” pathway.

142. However, the foundations pathway does not satisfy the application requirements for four-year colleges within the University System of Georgia (“USG”).

143. Students who qualify for the alternative foundations pathway have the option to take that pathway *or* remain on the general education pathway.

144. Many students with math deficits can and do remain on the general education pathway or take a “support” pathway.

145. Each of the required general curriculum math courses has a corresponding, supplemental “support course” for students with math deficits.

146. Corresponding support courses have a smaller teacher-to-student ratio and more one-on-one support so that students can learn the same subject matter as students in the general curriculum, but at a slower pace.

147. A general curriculum math course with the corresponding supplemental support course can be completed in one academic year.

148. Thus, the support pathway allows students who need support in math to pursue a standard graduation track and timely graduate in four years with the necessary courses to attend a USG institution.

149. The chart provided by the GaDOE illustrates the various math pathways to postsecondary education:

Grade	Enhanced Pathway	Accelerated Pathway	Early Accelerated Pathway	Standard Pathway	Support Pathway	Foundations Pathway	Accelerated Career Diploma
6	Grade 6	Grade 6	Grade 6	Grade 6	Grade 6 with REP or Foundations courses as needed	Grade 6	Grade 6
7	Grade 7	Grade 7	Grade 7	Grade 7	Grade 7 with REP or Foundations courses as needed	Grade 7	Grade 7
8	Enhanced Algebra: Concepts & Connections	Grade 8	Accelerated or Enhanced Algebra: Concepts & Connections	Grade 8	Grade 8 with REP or Foundations courses as needed	Grade 8	Grade 8
9	Geometry: Concepts & Connections	Accelerated Algebra: Concepts & Connections (A) and Geometry: Concepts & Connections (B)	Accelerated or Enhanced Geometry: Concepts & Connections (A) and Advanced Algebra: Concepts & Connections (B)	Algebra: Concepts & Connections (with a support course as needed)	Algebra: Concepts & Connections (with a support course as needed)	Foundations of Algebra	Algebra: Concepts & Connections*
10	Advanced Algebra: Concepts & Connections OR Enhanced Advanced Algebra and AP Precalculus: Concepts & Connections	Accelerated Geometry: Concepts & Connections (A) and Advanced Algebra: Concepts & Connections (B)	Accelerated or Enhanced Advanced Algebra and AP Precalculus: Concepts & Connections AND AP Statistics	Geometry: Concepts & Connections (with a support course as needed)	Geometry: Concepts & Connections (with a support course as needed)	Algebra: Concepts & Connections (with a support course as needed)	Geometry: Concepts & Connections*
11	Precalculus OR AP, IB, & Dual Enrollment Options	Enhanced Advanced Algebra and AP Precalculus: Concepts & Connections OR AP, IB, & Dual Enrollment Options	Fourth Mathematics Course Options, AP, IB, & Dual Enrollment Options (including advanced calculus courses)	Advanced Algebra: Concepts & Connections (with a support course as needed) OR Enhanced Advanced Algebra and AP Precalculus: Concepts & Connections	Advanced Algebra: Concepts & Connections (with a support course as needed)	Geometry: Concepts & Connections (with a support course as needed)	Must complete all additional requirements for an Accelerated Career Diploma. *See Accelerated Career Diploma – Mathematics Graduation Requirement Options
12	Additional Mathematics Course Options, AP, IB, & Dual Enrollment Options	Fourth Mathematics Course Options, AP, IB, & Dual Enrollment Options	Additional Mathematics Course Options, AP, IB, & Dual Enrollment Options (including advanced calculus courses)	Fourth Mathematics Course Options, AP, IB, & Dual Enrollment Options	Fourth Mathematics Course Options, AP, IB, & Dual Enrollment Options	Advanced Algebra: Concepts & Connections (with a support course as needed)	
	Recognized by: USG & TCSG	Recognized by: USG & TCSG	Recognized by: USG & TCSG	Recognized by: USG & TCSG	Recognized by: USG & TCSG	Recognized by: TCSG only	Recognized by: TCSG only

Key

	Three core mathematics requirements
	Fourth mathematics credit option

	Elective mathematics course
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150. E.C. is capable of completing the math requirements for a standard graduation pathway.

151. Because of E.C.’s disability-related math deficits, E.C. also needs the support courses for Algebra, Geometry, and Advanced Algebra to meaningfully participate in and complete those courses—the support pathway.

152. It would take four years for E.C. to complete the support pathway.

153. However, Defendants placed E.C. on the foundations pathway without T.C. or E.C.’s knowledge or consent.

154. E.C. is currently taking Algebra as a tenth grader.

155. E.C. has not completed any general curriculum math requirements.

156. Now, it is too late for E.C. to complete the support pathway and still graduate in four years.

157. Defendants' unilateral decision to place E.C. on a foundations pathway has precluded E.C. from graduating on time and attending a USG college or university.

158. Defendants' unilateral decision also precluded E.C. from taking the Georgia End of Course ("EOC") Milestones in ninth grade, which would have assessed his mastery and knowledge of content standards.

159. The first EOC Milestones test is taken only after a student completes certain core academic classes—ELA II, Algebra, Biology, and U.S. History.

160. E.C. will not take a Georgia EOC Milestones standardized test until the end of his 10th grade school year because he has not completed any of these core classes.

H. E.C. is capable of progress with the right accommodations, interventions, and services, but the WCSD did not provide them.

161. In early December 2024, while E.C. was still in the WAC, T.C. sent E.C. to a private math tutoring company, Made for Math ("MFM").

162. E.C. attended MFM instead of continuing his after-school sessions with the WCSD.

163. MFM lessons consisted of entirely live instruction.

164. MFM uses the Concrete Representational Abstract ("CRA") approach to math instruction with E.C. and other clients.

165. CRA is a research-based math intervention.

166. MFM provided accommodations to E.C. to help him access his math instruction, including place value charts, graphic organizers with picture prompts, and grid paper.

167. With these individualized interventions and accommodations, E.C. progressed significantly in closing several important foundational gaps from December 2024 to April 2025.

168. Before he began sessions with MFM, E.C. could not add and subtract numbers with regrouping. Now, he can.

169. Before he began sessions with MFM, E.C. struggled with directionality errors like adding across instead of down. Now, he does not.

170. Before he began sessions with MFM, E.C.'s mastery of fractions was at a third-grade level. Now, he performs at a sixth-grade level.

171. E.C.'s work with MFM led to demonstrated progress in school as well.

172. When he was assessed via LGL in September 2024, E.C. had a grade-level equivalency of 4.9 in math.

173. In March 2025, E.C. had a 6.41 grade level equivalency and had progressed in all tested math subcategories, including algebra and measurement, for the first time.

I. Defendants continue to retaliate against Plaintiffs after they filed a Due Process Complaint and refuse to serve E.C. appropriately.

174. On October 18, 2024, Plaintiffs filed an administrative Due Process Complaint with the GaDOE and OSAH, pursuant to the IDEA.

175. After a hearing on Plaintiffs' Due Process Complaint, on April 30, 2025, the District held a meeting to reevaluate E.C.'s special education eligibility and services.

176. A student's eligibility category reflects the primary disability impacting the student's education and is the foundation of the student's IEP.

177. Since his last eligibility meeting, E.C. had been diagnosed with specific learning disorders in math and writing.

178. However, at the reevaluation meeting, Defendants *refused to consider* whether E.C. was eligible for services under the category of specific learning disability ("SLD") in math and writing.

179. For the first time, Defendants found E.C. had an "atypical education history," which excluded him from SLD eligibility.

180. An "atypical educational history" is also an exclusionary factor for OHI eligibility, but Defendants found that E.C. continued to meet OHI eligibility criteria.

181. On May 6, 2025, the District held an IEP meeting pending a final decision in the Due Process proceedings.

182. At the May IEP meeting, Defendants continued to refuse any other math IEP goals or math interventions that did not involve LGL.

183. At the May IEP meeting, Defendants continued to refuse to address E.C.'s behavior-related learning struggles with appropriate goals, services, or provide a functional behavior assessment (FBA).

184. T.C. has been requesting an FBA since E.C. was in the seventh grade.

185. To mitigate the District's ongoing discrimination and Defendants' ongoing retaliation, T.C. moved her family out of the WCSD at the end of the 2024-2025 school year. E.C. is now attending school in a different school district in Georgia.

186. Plaintiffs want to return to the WCSD if the Defendants' ongoing violations are remedied.

V. OSAH PROCEEDINGS AND THE ADMINISTRATIVE DECISION

187. Plaintiffs' Due Process Complaint alleged that the District violated the IDEA because it denied E.C. a free, appropriate education ("FAPE") to E.C., failed to develop an IEP that would allow him to make progress in the general education curriculum, failed to educate him in the least restrictive environment at the WAC, failed to develop an appropriate transition plan, and denied T.C. meaningful participation in E.C.'s educational planning, in violation of the IDEA.

188. Plaintiffs also alleged that Defendants intentionally discriminated against E.C. on the basis of his disability and retaliated against E.C. and T.C. in violation of the ADA and Section 504.

189. On or around December 13, 2024, Defendants demanded that Plaintiffs voluntarily dismiss the retaliation claims in their Due Process Complaint and threatened a Rule 11 motion for sanctions if Plaintiffs did not agree.

190. In a good faith attempt to conciliate and based on documentation provided by the District, Plaintiffs filed an Amended Due Process Complaint, attached as **Exhibit A**, removing one allegation relevant to their retaliation claims.

191. Plaintiffs did not remove or voluntarily dismiss their claims regarding Defendants' retaliatory conduct or the remaining allegations in support of those claims, despite Defendants' continued threat of sanctions. Defendants never moved for Rule 11 sanctions.

192. On January 24, 2025, the District moved for Summary Determination under Ga. Comp. R. & Regs. 616-1-2-.15.³

193. On February 25, 2025, the ALJ dismissed Plaintiffs' ADA and Section 504 claims because OSAH does not have jurisdiction to consider these claims.

194. On March 17, 2025, the ALJ granted summary determination for the claims alleged to have occurred during the period of April 25, 2024, through December 16, 2024, when E.C. was enrolled in the WAC. *See Order Granting in Part Respondent's Motion for Summary Determination*, attached as **Exhibit B**.

195. In the Summary Determination order, the ALJ held that for claims arising from E.C.'s time at the WAC ("WAC period"), (1) there is no genuine issue of material fact that the District provided a free appropriate public education (FAPE) to E.C.; (2) there is no genuine issue of material fact that the District's procedural violations did not amount to a denial of a FAPE; and (3) there is no genuine issue of material fact that the GaDOE's imposed remedy is not adequate to address the alleged violations.

³ Plaintiffs filed their Response to the District's motion for summary determination on February 10, 2025 to comply with the ALJ's accelerated timeline to respond. Following Plaintiffs' response to the District's summary determination motion, the District, on February 24, 2025, disclosed their expert witnesses, fact witnesses, and exhibits to be used at the hearing.

196. The OSAH hearing eventually occurred. On April 14-16, 2025, more than six months after Plaintiffs filed their Due Process Complaint, the ALJ held a hearing on Plaintiffs' remaining claims based on allegations prior to the WAC period.

197. At the start of the hearing, the ALJ held that *all* evidence related to or accrued during the WAC period was irrelevant and preemptively excluded any such evidence.

198. Before Plaintiffs concluded their case-in-chief, the ALJ held that Plaintiffs were not entitled to private school placement and excluded testimony supporting that requested relief.

199. Following Plaintiffs' case-in-chief, the ALJ awarded the District a partial directed verdict, holding that the District did not violate Plaintiffs' rights pertaining to E.C.'s IEP transition planning or his math course planning.

200. During the hearing, Plaintiffs called two expert witnesses, Dr. Laronta Rush and Heather Brand, the Operations Manager for MFM.

201. Dr. Rush performed E.C.'s IEE in August 2024.

202. Brand assessed E.C.'s math skills and deficits and was personally familiar with his progress at MFM.

203. Rush and Brand testified that E.C. is capable of grade-level achievement in accordance with the general curriculum.

204. Rush and Brand testified that E.C. did not make adequate progress in light of his circumstances at WCSD.

205. Rush and Brand testified that E.C.'s academic performance was discrepant with his cognitive profile.

206. Rush and Brand testified that E.C.'s IEP goals were inadequate to provide E.C. with measurable progress.

207. Rush and Brand testified that E.C.'s IEP services and instruction were inadequate to provide E.C. with appropriate progress.

208. Rush and Brand testified that E.C. would need significant interventions and support to remedy his lack of an appropriate education.

209. Brand testified that E.C. demonstrates foundational math deficits.

210. Brand explained that those foundational deficits have prevented and will continue to prevent him from mastering more advanced skills until they are remedied, because math is cumulative.

211. Brand testified that E.C.'s IEP math goals have not specifically targeted his foundational math deficits.

212. Brand testified that E.C. needs hands-on, visual instruction to be able to process math information and grasp new math skills.

213. Brand attempted to testify about the impact of E.C.'s learning disability on his ability to process math information and grasp new skills, but the ALJ did not allow her to offer this testimony or even use the word "dysgraphia."

214. Rush testified that nothing about E.C.'s cognitive or intellectual profile suggests that he cannot perform at grade level in math.

215. Rush explained that E.C.'s ADHD and executive functioning deficits make it difficult for him to start new tasks and maintain focus.

216. Rush testified that E.C.'s social/emotional/behavioral goals in his IEP have not effectively targeted his deficits.

217. Rush testified about E.C.'s individualized needs and the District's failure to meet them.

218. Rush attempted to testify about how E.C.'s specific learning disabilities impact his learning, but the ALJ did not allow her to offer any testimony related to his learning disabilities.

219. The District did not present a single expert witness to refute Plaintiffs' experts.⁴

220. The District also presented testimony that E.C. is capable of grade-level progress in the general curriculum.

221. However, E.C.'s eighth-grade math teacher, Christopher Parker, testified that he did not know whether E.C. could do two-step, three-step, or four-step math problems, solve math word problems, or solve fractions.

222. Regarding E.C.'s math goals, Parker further testified that the substantive focus and target of those goals was "an arbitrary decision."

223. E.C.'s ninth-grade special education case manager, Janna Maughon testified E.C.'s ninth grade math goal was just "inherited" from eighth grade.

⁴ Prior to the hearing, both parties were ordered to identify expert witnesses and submit their expert reports. Both parties submitted their experts and reports; however, the District did not call any of its purported experts at the hearing.

224. E.C.'s study skills teacher, Jennifer Phillips, testified that because LGL is "a computer analogy thing," she was not familiar with the underlying data used to develop E.C.'s math goals or how LGL selects E.C.'s EDGE lessons.

225. On June 4, 2025, in accordance with the ALJ's instructions, Plaintiffs submitted their Proposed Final Decision, attached as **Exhibit C**. As stated in Plaintiffs' Proposed Final Decision, Plaintiffs reserved all objections, issues, and rights when they submitted their Proposed Final Decision to the ALJ.

226. On August 19, 2025, 4 months after the hearing, and 10 months after Plaintiffs filed their Due Process Complaint, the ALJ issued his Final Decision, attached as **Exhibit D**.

227. The ALJ held that E.C. was not denied a FAPE.

228. The ALJ held that E.C. was not entitled to private placement as relief.

229. The ALJ held that the District did not violate E.C.'s right to a math rubric, even though Plaintiffs never made such a claim.

230. The ALJ held that the District's placement of E.C. in Foundations of Algebra did not amount to, nor was the result of, a FAPE violation.

231. Although the ALJ formally ruled against Plaintiffs on every issue addressed, the ALJ also ordered the District to take certain actions for E.C.

232. The ALJ held that the District did not fail to develop an appropriate transition plan for E.C. but ordered the District to "promptly convene an IEP meeting to obtain input from E.C. and T.C. concerning the issues and other considerations to

be addressed in E.C.'s transition plan. The IEP team shall revise and update the transition plan as required.”⁵

233. The ALJ also ordered,

As to the issues raised by evidence that E.C. has a number of math deficits identified during his Made for Math assessments, although not sufficient to prove a denial of FAPE between October 18, 2022, and the beginning of the interim period, the Court found that Respondent is on notice of those deficits and needs to respond appropriately. Accordingly, in connection with the IEP meeting ordered in No. 5 above, Respondent is **HEREBY ORDERED** to have the IEP team evaluate and assess the supports and interventions being provided to ensure they properly account for E.C.'s skill deficits. In particular, the IEP team shall review the deficits identified by Made for Math, assess the progress E.C. has made using those services and identify the necessary supports and interventions needed to continue the progress, however muddy, E.C. has been making. The IEP shall review and evaluate E.C.'s IEP goals and benchmarks to ensure they are specifically designed to meet the E.C.'s unique needs, and that he is supported by services that will permit him to benefit from the instruction, taking into account his deficits and other needs.

234. The ALJ also ordered the District “to promptly commence and expeditiously complete an FBA for E.C.”

235. Plaintiffs have exhausted their administrative remedies.

⁵ The ALJ characterizes this relief as an agreement between the Parties; however, there was no agreement. During its request for a directed verdict, the District offered to hold a future IEP meeting to comply with the transition planning requirements of the IDEA. After the ALJ ordered a partial directed verdict to the District on this issue, Plaintiffs asked the ALJ to order the District to comply with the transitional planning requirements in his final decision.

VI. CAUSES OF ACTION

COUNT ONE

Discrimination Based on Disability in Violation of Title II of the ADA Against Walton County School District

236. Plaintiff E.C. repeats and realleges paragraphs 5-24 and 68-186 as if fully set forth herein.

237. Title II of the ADA and its implementing regulations prohibit public entities from discriminating on the basis of disability in the provision and administration of public services and require that persons with disabilities be afforded meaningful access to the programs and activities of public entities. 42 U.S.C. § 12132; 28 C.F.R. § 35.130.

238. Specifically, the ADA provides that “no qualified individual shall, by reason of such disability, be excluded from participation in or denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” 42 U.S.C. § 12132.

239. Public entities discriminate against individuals with disabilities in violation of the ADA when they discriminate directly *or* when they utilize any criteria or methods of administration that have the effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability or have the purpose or effect of substantially impairing accomplishment of the objectives of the public entity’s program with respect to people with disabilities. 34 C.F.R. § 35.130(b)(3)(i).

240. The WCSD is a public entity as defined by the ADA.

241. Plaintiff E.C. is a qualifying individual with a disability as defined by the ADA.

242. The District has discriminated and continues to discriminate against E.C. based on his disability in violation of Title II of the ADA.

243. The District denied E.C. the opportunity to participate in or benefit from the aid, benefits, and services offered by the District.

244. The District did not afford E.C. an equal opportunity to participate in or benefit from the alternative educational program as his nondisabled peers.

245. The District did not afford E.C. an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as his nondisabled peers in the alternative educational program.

246. The District otherwise limited E.C. in the enjoyment of rights, privileges, advantages, and opportunities enjoyed by others who receive aid, benefits, and services in the District.

247. The District failed to provide E.C. with reasonable accommodations and/or make reasonable modifications to its policies, practices, and procedures when such accommodations and modifications were necessary to allow E.C. access to the alternative educational program.

248. The District continued to discriminate against E.C. when he returned to his regular education program.

249. The District utilizes criteria or methods of administration that had the effect of subjecting E.C. to discrimination on the basis of his disability and the

purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the District's program and activities with respect to students with disabilities.

250. The District failed to administer services, programs, and activities in the most integrated setting appropriate for E.C.'s needs.

251. The District's discrimination against E.C. was and is on the basis of his disability.

252. The District intentionally, and with deliberate indifference, discriminated against E.C. under Title II of the ADA.

253. The District's actions have caused educational and actual harm to E.C. and this harm is continuous.

254. E.C. is entitled to injunctive relief, declaratory relief, and damages against the District pursuant to Title II of the ADA.

COUNT TWO

Disability Discrimination in Violation of Section 504 of the RA Against Walton County School District

255. Plaintiff E.C. repeats and realleges paragraphs 5-24 and 68-186 as if fully set forth herein.

256. Section 504 of the Rehabilitation Act (RA) and its implementing regulations prohibit federal fund recipients from discriminating against individuals by reason of disability. 29 U.S.C. § 794; 34 C.F.R. ch. I, pt. 104.

257. Specifically, Section 504 of the RA states, "No otherwise qualified individual with a disability in the United States, [] shall, solely by reason of her or

his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. . .” 29 U.S.C. § 794.

258. Claims under the ADA and the RA are generally analyzed together.

259. The District is a recipient of federal financial assistance.

260. Plaintiff E.C. is a qualified individual with a disability as defined by the RA.

261. The District discriminated and continues to discriminate against E.C. based on his disability in violation of Section 504 of the RA.

262. The District failed to provide E.C. with a free appropriate public education.

263. The District denied E.C. the opportunity to participate in or benefit from the aid, benefits, and services of the District.

264. The District did not afford E.C. an equal opportunity to participate in or benefit from the alternative educational program as his nondisabled peers.

265. The District did not afford E.C. an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as his nondisabled peers in the alternative educational program.

266. The District otherwise limited E.C. in the enjoyment of rights, privileges, advantages, and opportunities enjoyed by others who receive aid, benefits, and services in the District.

267. The District failed to provide E.C. with reasonable accommodations and/or make reasonable modifications to its policies, practices, and procedures when such accommodations and modifications were necessary to allow E.C. access to the alternative educational program.

268. The District continued to discriminate against E.C. when he returned to his regular education program.

269. The District utilizes criteria and methods of administration that had the effect of subjecting E.C. to discrimination on the basis of his disability and the purpose and effect of defeating or substantially impairing the accomplishment of the objectives of the District's program and activities with respect to students with disabilities.

270. The District failed to administer services, programs, and activities in the most integrated setting appropriate for E.C.'s needs.

271. The District's discrimination against E.C. was and is on the basis of his disability.

272. The District intentionally, and with deliberate indifference, discriminated against E.C. in violation of Section 504 of the RA.

273. The District's actions have caused educational and actual harm to E.C. and this harm is continuous.

274. E.C. is entitled to injunctive relief, declaratory relief, and damages against the District pursuant to Section 504 of the RA.

COUNT THREE

**Retaliation in Violation of the ADA
Against All Defendants**

275. Plaintiffs T.C. and E.C. repeat and reallege paragraphs 5-24, 88-115, 137-160, and 174-191 as if fully set forth herein.

276. The ADA prohibits a person from retaliating, interfering, coercing, or intimidating any individual for opposing unlawful acts or otherwise participating in or exercising a right under the ADA and RA. 42 U.S.C. § 12203.

277. The ADA states, “No person shall discriminate against any individual because such individual has opposed any act or practice made unlawful by this chapter or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this chapter.” 42 U.S.C. § 12203(a).

278. The ADA also states, “It shall be unlawful to coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by this chapter.” 42 U.S.C. § 12203(b).

279. Defendants have engaged in a pattern of retaliation and coercion against Plaintiffs for engaging in statutorily protected activity.

280. After Plaintiffs expressed their opposition to Defendants’ actions and filed their Formal Complaint with the GaDOE challenging the District’s actions,

Defendants changed E.C.'s ninth-grade schedule without T.C.'s knowledge or consent.

281. After Plaintiffs expressed their opposition to Defendants' actions and filed their Formal Complaint with the GaDOE, Defendants further removed E.C.'s special education services from his IEP without T.C.'s knowledge or consent.

282. After Plaintiffs expressed their opposition to Defendants' actions and filed their Formal Complaint with the GaDOE, Defendants placed E.C. in Foundations of Algebra, a math course that does not apply towards E.C.'s graduation requirements, preventing E.C. from timely graduating with his peers without T.C.'s knowledge or consent.

283. After Plaintiffs expressed their opposition to Defendants' actions and the GaDOE investigation found that the District violated the IDEA, Defendants reduced E.C.'s after school "study skills" sessions without T.C.'s knowledge or consent.

284. After Plaintiffs filed an IDEA Due Process Complaint, Defendants, through counsel, attempted to coerce Plaintiffs to voluntarily dismiss their retaliation claims by threatening to bring groundless Rule 11 sanctions.

285. After Plaintiffs filed a Due Process Complaint, but before the ALJ's final decision, Defendants refused to consider E.C.'s IDEA eligibility for specific learning disability in math and writing because such determination would contradict Defendants' defense in the pending OSAH proceeding.

286. Defendant Geiser is the Director of Special Education for the District; she has supervisory and final decision-making authority for the WCSD regarding E.C.'s IEP and special education.

287. At all relevant times, Geiser had actual notice of the facts alleged by Plaintiffs and she was directly involved in the retaliatory decisions made against E.C as alleged.

288. Defendants intentionally, and with deliberate indifference, violated E.C.'s rights under the anti-retaliation provisions of the ADA, 42 U.S.C. § 12203.

289. There is a temporal and causal connection between Plaintiffs' protected activity and Defendants' corresponding adverse actions.

290. Defendants' retaliatory actions constitute continuous and ongoing violations of the anti-retaliation provisions of the ADA.

291. Defendants' retaliatory actions have caused educational and actual harm to Plaintiffs, and this harm is continuous.

292. Plaintiffs are entitled to injunctive relief, declaratory relief, and damages against all Defendants pursuant to the anti-retaliation provisions of the ADA.

COUNT FOUR

Retaliation in Violation of Section 504 of the RA Against Walton County School District

293. Plaintiffs T.C. and E.C. repeat and reallege paragraphs 5-24, 88-115, 137-160, and 174-191 as if fully set forth herein.

294. Section 504 of the RA, through incorporation of Title VI of the Civil Rights Act of 1964, prohibits federal funds recipients from engaging in intimidating and retaliatory acts against any individual. 29 U.S.C. § 794a(a)(2); 34 C.F.R. §§ 100.7(e), 104.61.

295. The District is a recipient of federal financial assistance.

296. The District has engaged in a pattern of retaliation and coercion against Plaintiffs for engaging in statutorily protected activity.

297. After Plaintiffs expressed their opposition to the District's actions and filed their Formal Complaint with the GaDOE challenging the District's actions, the District changed E.C.'s ninth-grade schedule without T.C.'s knowledge or consent.

298. After Plaintiffs expressed their opposition to the District's actions and filed their Formal Complaint with the GaDOE, the District further removed E.C.'s special education services from his IEP without T.C.'s knowledge or consent.

299. After Plaintiffs expressed their opposition to the District's actions and filed their Formal Complaint with the GaDOE, the District placed E.C. in Foundations of Algebra, a math course that does not apply towards E.C.'s graduation requirements, preventing E.C. from timely graduating with his peers without T.C.'s knowledge or consent.

300. After Plaintiffs expressed their opposition to the District's actions and the GaDOE investigation found that the District violated the IDEA, the District reduced E.C.'s after school "study skills" sessions without T.C.'s knowledge or consent.

301. After Plaintiffs filed an IDEA Due Process Complaint, the District, through counsel, attempted to coerce Plaintiffs to voluntarily dismiss their retaliation claims by threatening to bring groundless Rule 11 sanctions.

302. After Plaintiffs filed a Due Process Complaint, but before the ALJ's final decision, the District refused to consider E.C.'s IDEA eligibility for specific learning disability in math and writing because such determination would contradict Defendants' defense in the pending OSAH proceeding.

303. The District intentionally, and with deliberate indifference, violated Plaintiffs' rights under the anti-retaliation provisions of Section 504 of the RA.

304. There is a temporal and causal connection between Plaintiffs' protected activity and the District's corresponding adverse actions.

305. The District's actions constitute continuous and ongoing violations of the anti-retaliation provisions of Section 504 of the RA.

306. The District's actions have caused educational and actual harm to E.C. and this harm is continuous.

307. Plaintiffs are entitled to injunctive relief, declaratory relief, and damages against the District pursuant to the anti-retaliation provisions of the RA.

COUNT FIVE

Violation of the IDEA Against Walton County School District

308. Plaintiffs T.C. and E.C. repeat and reallege paragraphs 5-235 as if fully set forth herein.

309. Plaintiffs further repeat and reallege the allegations raised in Plaintiffs' Due Process Complaint before OSAH. *See Ex. A.*

310. E.C. is a child with a disability as defined by the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1401(3)(A).

311. The District is a Local Educational Agency (LEA) as defined by the IDEA, 20 U.S.C. § 1401(19)(A).

312. At all relevant times, the District failed to provide E.C. with a Free Appropriate Public Education (FAPE), in violation of 20 U.S.C. § 1412(a)(1)(A).

313. During E.C.'s expulsion, the District failed to continue E.C.'s educational services necessary to provide him with a FAPE, enable him to continue to participate in the general education curriculum, and progress toward meeting the goals set out in his IEP, in violation of 20 U.S.C. § 1415(k)(1)(D)(i).

314. At all relevant times, District failed to provide measurable annual goals designed to meet E.C.'s needs and enable him to make progress in the general education curriculum, failed to meet his other educational needs that result from his disability, and failed to provide him a FAPE, in violation of 20 U.S.C. § 1414(d)(1)(A)(i)(II).

315. At all relevant times, the District failed to provide E.C. with special education and supplementary aids and services, based on peer-review research to the extent practicable, denying him a FAPE, in violation of 20 U.S.C. § 1414(d)(1)(A)(i)(IV).

316. During E.C.'s expulsion, the District failed to provide E.C. with services in the least restrictive environment, in violation of 20 U.S.C. § 1412(a)(5)(A).

317. At all relevant times, the District failed to provide E.C. with appropriate transitional assessments, goals, and services, in violation of 20 U.S.C. § 1414(d)(1)(A)(i)(VIII).

A. The ALJ's Errors

318. On appeal from OSAH, this Court must make an independent ruling based on the "preponderance of the evidence" from the administrative record. Although the ALJ's findings are entitled to due weight, the extent of deference given to the ALJ's decision is left to this Court's sound discretion "which must consider the administrative findings but is free to accept or reject them." *See Walker Cnty. Sch. Dist. v. Bennett*, 203 F. 3d 1293, 1297-98 (11th Cir. 2000).

319. The ALJ erred by granting summary determination to the District on all issues from April 2024 to December 2024.

320. In granting the District's motion for summary determination, the ALJ inappropriately weighed evidence, disregarded Plaintiffs' evidence, disregarded applicable OSAH rules for summary determination, and made erroneous legal conclusions.

321. The ALJ erred by preventing Plaintiffs from presenting any evidence relevant to the period between April 2024 to December 2024.

322. The ALJ erred by holding that Plaintiffs were not entitled to private school placement as relief before Plaintiffs presented evidence on the issue.

323. The ALJ erred by granting a directed verdict to the District on the issue of the IDEA's transition planning provisions, despite acknowledging that the District needed to comply with the provisions and ordering it to do so.

324. The ALJ erred by granting a directed verdict to the District on the issue of the math rubric despite that Plaintiffs never alleged that the District violated the requirements for the math rubric.

325. The ALJ erred by concluding that the District did not violate E.C.'s right to a FAPE despite ordering the District to review E.C.'s deficits, identify necessary supports and interventions needed, review and evaluate E.C.'s IEP goals and benchmarks, and provide E.C. with a Functional Behavior Assessment (FBA).

326. The ALJ erred by finding that the District did not violate Plaintiffs' rights when it unilaterally placed E.C. in Foundations of Algebra.

327. The preponderance of the evidence shows that the District denied Plaintiffs' substantive right to a FAPE.

328. The preponderance of the evidence shows that the District violated Plaintiffs' procedural rights.

329. The preponderance of the evidence shows that the District's violation of Plaintiffs' procedural rights impeded E.C.'s right to a FAPE and T.C.'s right to participate in the decision-making process regarding the provision of a FAPE to E.C.

330. The preponderance of the evidence shows that the District's violation of Plaintiffs' procedural rights deprived E.C. of educational benefits.

331. The preponderance of the evidence shows that Plaintiffs are entitled to compensatory and prospective relief.

332. Through the filing of their Due Process Complaint, Plaintiffs received some relief on the merits of their claim. The District was ordered to comply with the transition planning provisions of the IDEA, review and identify necessary supports and interventions based on MFM's assessments, review and evaluate E.C.'s IEP goals and benchmarks and provide him with an FBA. Plaintiffs have requested the District take these same actions for years.

333. The actions that the District was ordered to undertake for Plaintiffs' benefit changed the legal relationship between the parties, entitling Plaintiffs to attorney fees and related costs, pursuant to 20 U.S.C. § 1415(i)(3)(B)(I).

VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

- A. Declare that the District violated the ADA and Section 504 of the RA by denying E.C. meaningful access to the alternative education program and otherwise discriminating against E.C., based on disability;
- B. Declare that Defendants retaliated against Plaintiffs in violation of the ADA;
- C. Declare that the District retaliated against Plaintiffs in violation of Section 504 of the RA;
- D. Permanently enjoin Defendants from violating Plaintiffs' rights under the ADA and Section 504 of the RA;

- E. Reverse the ALJ's final decision and order granting summary determination in favor of the District under the IDEA;
- F. Declare that the District violated the IDEA by denying Plaintiffs' procedural rights and substantive right to a free appropriate public education;
- G. Order the District to fund compensatory education services that would place E.C. in a position that he would have been but for the District's denial of a FAPE;
- H. Award Plaintiffs' damages;
- I. Award Plaintiffs' reasonable attorneys' fees, costs and expenses incurred;
- J. Grant Plaintiffs a jury trial; and
- K. Order and direct any and all other relief as this Court deems proper.

Dated: November 14, 2025.

Respectfully submitted,

/s/ Eugene Choi

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CERTIFICATE OF SERVICE

I hereby certify that on this day I have served a copy of the foregoing **First Amended Complaint upon** all parties to this matter via the CM/ECF system which automatically sends electronic notifications to all counsel of record as follows:

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Dated: November 14, 2025

Respectfully submitted,

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