



Chris Ragsdale, Superintendent  
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**Cobb County Board of Education**

Randy Scamihorn, Board 4.1B, n.2MTBfr, Post 1

September 23, 2021

RE: Notice of Intent to Sue for Violations of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act

last year, and the District argued the necessity of that decision in federal litigation in April 2021, a time when COVID-19 transmission rates were a fraction of what they are today.

Since the start of the 2021-2022 academic year, the District has willfully refused and consistently failed to implement policies and practices that comply with current COVID-19 safety guidelines established by federal, state, and local public health officials. The District has received hundreds of millions of dollars from the federal government to keep students safe during the pandemic and allow all students the opportunity to attend school in person if they choose. Additionally, the District receives specific federal funding to serve the 15,000 students with disabilities enrolled. Yet, when confronted with the significant risks of harm posed by COVID-19 to schools - and especially to students with disabilities - Superintendent Ragsdale and certain board members have refused to even discuss or consider COVID-19 safety precautions at recent monthly board meetings. And, once again, there is no mention of COVID-19 on the agenda for today's board meeting.

By refusing to implement effective virus mitigation strategies, the District unlawfully excludes our clients from, and denies them the benefits of, an in-person education based on their disabilities - conduct which constitutes ongoing discrimination under Title II of the Americans with Disabilities Act ("ADA") and Section 504 of the Rehabilitation Act ("Section 504"). As policymakers for the District, this Board has the authority and obligation to ensure the District's compliance with federal laws that prohibit discrimination based on disability and immediately remediate the discrimination experienced by our clients.

We ask that the District immediately adopt policies and practices consistent with CDC guidelines so that our clients and other students with disabilities and medical vulnerabilities can access the in-person education which they are entitled under federal law. Our intent is not to engage in costly and protracted litigation, but to ensure that our clients have equal access to an in-person education, consistent with their rights under the ADA and Section 504. We certainly prefer that the District use its time and resources to educate and keep its students safe. But, if the District is unwilling to reasonably modify its policies and practices to allow our clients the educational benefits to which they are entitled, then, next week, we intend to file a federal lawsuit under the ADA and Section 504.

With the safety and well-being of our clients and all students in mind, we sincerely hope that the District will accommodate our clients, immediately implement CDC guidelines for K-12 schools, and ensure that all students are not unlawfully excluded from a public education and have meaningful access to the District's services and benefits. We look forward to hearing from you.

Sincerely,

/s:/ Michael J. Tafelski

Michael J. Tafelski

Attorney at Law

o/b/o The Southern Poverty Law Center,

o/b/o The Goodmark Law Firm, and

o/b/o The Law Office of Allison B. Vrolijk

cc: