



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

26 FEDERAL PLAZA, SUITE 31 - 100  
NEW YORK, NEW YORK 10278

REGION 2

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June 14, 2024

Sent via email to kherrmann@southeasternlegal.org

Kimberly S. Hermann, Esq.  
General Counsel  
Southeastern Legal Foundation  
560 W. Crossville Road, Suite 104  
Roswell, Georgia 30075

Re: Freedom of Information Act Request Number 22-02931-F

Dear Ms. Hermann:

This letter is in response to your request for documents from the U.S. Department of Education (the Department), Office for Civil Rights (OCR) received on June 10, 2022. Specifically, you requested the following records:

- All documents and communications related to the withdrawal, suspension, and/or current status of the Letter of Finding and/or resolution agreement regarding the complaint filed against the Board of Education of Evanston/Skokie School District 65, IL (OCR #05-19-1395) (January 2021-present) (Request 1).
- All documents and communications related to any proposed resolution agreement regarding the complaint filed against the Board of Education of Evanston/Skokie School District 65, IL (OCR #05-19-1395) (Jan 2021-present) (Request 2).
- All communications between the Department of Education and the Board of Education of Evanston/Skokie School District 65, IL regarding [the] lawsuit styled Deemar v. Board of Education of the City of Evanston/Skokie (case no. 1:21-cv-03466) filed in the Northern District of Illinois (June 2021-present) (Request 3).
- All communications between Department of Education and the Board of Education of Evanston/Skokie School District 65, IL resulting in the letter of finding and resolution agreement regarding the complaint filed against Evanston/Skokie School District 65 (OCR #05-19-1395) (December 2020-present) (Request 4).
- All communications between Department of Education and the School District of Springfield, MO regarding the lawsuit styled Deemar v. Board of Education of the City of Evanston/Skokie filed (case no. 1:21-cv-03466) in the Northern District of Illinois (August 2021-present) (Request 5).
- All communications between Department of Education, the Office of Civil Rights at the Department of Education, and the Board of Education of Evanston/Skokie School District 65, IL (2019-January 2021) (Request 6).

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

FOIA Request Number 22-02931-F

Page 2 of 3

The Freedom of Information Act (FOIA), 5 U.S.C. § 552, and its implementing regulation, at 34 C.F.R. Part 5, govern your request to OCR for this information. Accordingly, your request was processed under the provisions of FOIA and the applicable departmental regulations.

With respect to Requests 1, 2, 4, and 6, OCR has located approximately 324 pages responsive to your requests. OCR is withholding 324 pages in their entirety as discussed below.

Pursuant to 5 U.S.C. § 552 (b)(7)(A), OCR may withhold certain records in open case files if the production of records or information could reasonably be expected to interfere with OCR's enforcement proceedings. The records you requested relate to a case that is currently pending, and the information you requested could reasonably be expected to interfere with OCR's enforcement proceedings. Additionally, pursuant to 5 U.S.C. § 552(b)(5), OCR may withhold intra-agency memorandums or letters under the deliberative process privilege and/or attorney work-product privilege. The records you requested include approximately 37 pages of such documents. Therefore, OCR is withholding 324 pages of documents under 5 U.S.C. § 552 (b)(7)(A). Accordingly, your request for these documents is denied.

With respect to Requests 3 and 5, OCR has no documents that are responsive to your requests and OCR is not obligated to create a new record in order to respond to a request for records pursuant to the FOIA. Therefore, your request for these documents is denied.

You have the right to seek assistance and/or dispute resolution services from the Department's FOIA Public Liaison or the Office of Government Information Services (OGIS). The FOIA Public Liaison is responsible, among other duties, for assisting in the resolution of FOIA disputes. OGIS, which is outside the Department of Education, offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation.

Contact information follows:

Mail	FOIA Public Liaison Office of the Secretary U.S. Department of Education 400 Maryland Ave., SW, LBJ 7W104 Washington, DC 20202-4536	Office of Government Information Services National Archives and Records Administration 8601 Adelphi Road College Park, Maryland 20740-6001
E-mail	robert.wehausen@ed.gov	OGIS@nara.gov
Phone	(202) 205-0733	(202) 741-5770; toll free at 1 (877) 684-6448
Fax	(202) 401-0920	(202) 741-5769

Lastly, you have the right to appeal this determination. You must submit any appeal within 90 calendar days after the date of this letter. Using the services described above does not affect your right, or the deadline, to pursue an appeal. An appeal must be in writing and must include a detailed statement of all legal and factual bases for the appeal; it should be accompanied by a copy of this letter, the initial letter of request, and any documentation that serves as evidence or supports the argument you wish the Department to consider in resolving your appeal.

FOIA Request Number 22-02931-F

Page 3 of 3

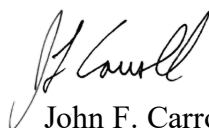
Appeals may be submitted using the [FOIA Appeal Form](#).

Appeals can also be submitted by:

E-mail: EDFOIAappeals@ed.gov  
Fax: (202) 401-0920  
Mail: Appeals Office  
Office of the Secretary  
U.S. Department of Education  
400 Maryland Avenue, SW, LBJ 7W104  
Washington, DC 20202-4536

If you have any questions, contact Charles Skriner, Compliance Team Attorney, at (646) 428-3890 or charles.skriner@ed.gov; or Stacy Bobbitt, Compliance Team Investigator, at (646) 428-3823 or stacy.bobbitt@ed.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Carroll", is positioned above the printed name and title.

John F. Carroll  
Program Manager