



**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS**

500 WEST MADISON ST., SUITE 1475
CHICAGO, IL 60661-4544

REGION V
ILLINOIS
INDIANA
IOWA
MINNESOTA
NORTH DAKOTA
WISCONSIN

September 18, 2018

Dr. Wendy Robinson
Superintendent
Fort Wayne Community Schools
1200 Clinton Street
Fort Wayne, IN 46802

Re: OCR # 05-18-1199

Dear Dr. Robinson:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its complaint resolution efforts with regard to the above-referenced complaint against Fort Wayne Community Schools (Corporation).

Specifically, the complaint alleges that during the XXXXXX school year, the Corporation subjected a male student with a disability (Student A) at Kekionga Middle School to discrimination based on sex and disability when other students subjected Student A to harassment based on sex and disability that created a hostile environment for Student A, and the Corporation had notice of the hostile environment but failed to respond appropriately.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 - 12134, and its implementing regulation, 28 C.F.R. Part 35. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance from the Department, and Title II prohibits discrimination on the basis of disability by public entities. OCR is also responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 - 1688, and its implementing regulation, 34 C.F.R. Part 106, which prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance. As a recipient of Federal financial assistance from the Department and a public entity, the Corporation is subject to these laws.

During its investigation, OCR reviewed information provided by the Complainant and the Corporation and interviewed Corporation personnel. Prior to OCR making a final determination, the Corporation expressed an interest in resolving the complaint. On August 31, 2018, the Corporation signed the enclosed Resolution Agreement, which, when fully implemented, will address the allegation in the complaint. OCR will monitor the implementation of the Resolution Agreement.

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

This concludes OCR's investigation of the complaint and should not be interpreted to address the Corporation's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

Please be advised that the Corporation may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the individual may file another complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

The Complainant may have a right to file a private suit in federal court whether or not OCR finds a violation.

OCR would like to thank the Corporation for the courtesy and cooperation extended to OCR during its investigation. In particular, we would like to thank Mr. David Amen, counsel for the Corporation. If you have any questions, please contact Sherry Rosenblum, Equal Opportunity Specialist, at (312) 730-1601 or by email at Sherry.Rosenblum@ed.gov.

Sincerely,

Jeffrey Turnbull
Team Leader

Enclosure

cc: Mr. David Amen