



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

1999 BRYAN ST., SUITE 1620  
DALLAS, TX 75201-6810

REGION VI  
ARKANSAS  
LOUISIANA  
MISSISSIPPI  
TEXAS

August 16, 2018

Re: OCR Complaint #06171655

Dr. Jim F. Chadwell, Superintendent  
Eagle Mountain-Saginaw Independent School District  
1200 Old Decatur Road  
Fort Worth, TX 76179

Via first class mail and email ([jchadwell@ems-isd.net](mailto:jchadwell@ems-isd.net))

Dear Dr. Chadwell:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed processing of the above-referenced complaint, which was received in our office on XXXX XXXX XXXX, and filed against the Eagle Mountain-Saginaw Independent School District (EMSISD or District), in Fort Worth, Texas. The Complainant alleged that the EMSISD discriminated against XXXX XXXX (Student) on the basis of disability.

OCR is responsible for determining whether entities that receive or benefit from Federal financial assistance from the Department, or an agency that has delegated investigative authority to this Department, are in compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794 (amended 1992), and its implementing regulations at 34 C.F.R. Part 104. Section 504 prohibits discrimination on the basis of disability. OCR also enforces 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. Under Title II, OCR has jurisdiction over complaints alleging discrimination on the basis of disability that are filed against public entities. The EMSISD is a recipient of Federal financial assistance from the Department and is a public entity. Therefore, OCR has personal jurisdictional authority to process this complaint for resolution.

OCR opened the allegations for investigation, and investigated the following issue:

Whether, during the XXXX school year, the District denied the Student a free appropriate education (FAPE) in violation of Section 504, at 34 C.F.R. §§ 104.33 and 104.35, and Title II, at 28 C.F.R. § 35.130, by:

- 1) failing to provide XXXX the related aids and services determined necessary to meet XXXX individual educational needs; and

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

- 2) failing to reevaluate the Student’s educational placement after the District knew, or should have known, that the effects of bullying/XXXX harassment may have affected the Student’s receipt of Section 504 services.

Prior to OCR issuing a final investigative determination, the EMSISD requested to resolve the complaint by voluntarily entering into a Resolution Agreement (Agreement). Under OCR’s procedures, a complaint may be resolved at any time when, prior to the point that the OCR Regional Office issues a final determination under Section 303 of OCR’s Case Processing Manual, the recipient expresses an interest in resolving the allegations and OCR determines that it is appropriate to resolve them with an agreement.

On August 15, 2018, the EMSISD voluntarily entered into the enclosed Agreement, which, when fully implemented, resolves the complaint. The Agreement is aligned with the complaint allegations and the information obtained during the investigation, and is consistent with applicable law and regulations. Specifically, the Agreement requires the EMSISD to provide training regarding the requirements of Section 504 and Title II with respect to providing a FAPE to all qualified students with disabilities residing within the EMSISD’s jurisdiction; and convene a group of knowledgeable persons to determine whether as a result of the effects of bullying and/or harassment, the Student’s needs have changed such that the Student is no longer receiving a FAPE, and assess the Student’s need for compensatory and/or remedial services as a result of the alleged failure to provide special education or related aids and services to the Student. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this complaint. However, OCR will actively monitor the EMSISD implementation of the Agreement to ensure compliance with Section 504 and Title II with regard to the issue investigated.

This concludes OCR’s investigation of the complaint and should not be interpreted to address the District’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 also note that the Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that a recipient 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, complainants 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, it 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.

If you have any questions, you may contact Michael J. Pillera, Civil Rights Attorney, at 214-661-9614 or by email at [Michael.Pillera@ed.gov](mailto:Michael.Pillera@ed.gov), or Paul Edward Coxe, Supervisory Attorney/Team Leader at 214-661-9608 or by email at [Paul.Coxe@ed.gov](mailto:Paul.Coxe@ed.gov).

Sincerely,

Paul Edward Coxe  
Supervisory Attorney/Team Leader  
Office for Civil Rights  
Dallas Office

Enclosure

cc: XXXX XXXX, Esq., XXXX for the EMSISD (via email at XXXX)