



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

REGION VI  
ARKANSAS  
LOUISIANA  
MISSISSIPPI  
TEXAS

***Via U.S. Mail & Email***

Frank Molinar, Superintendent  
White Settlement ISD  
401 South Cherry Lane  
Fort Worth, Texas 76108  
Email: fmolinar@wsisd.net

Cc: XXXXX XXXXX  
XXXXX XXXXX

Re: OCR Complaint # 06-17-1817

Dear Superintendent Molinar:

This letter is to notify you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint filed against White Settlement Independent School District (District). The complainant alleged that the District discriminated against XXXXX (Student) based on race and disability. It also alleged retaliation.

OCR is responsible for enforcing Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation, at 34 C.F.R. Part 100, and Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation, at 34 C.F.R. Part 104, which prohibit discrimination based on race and disability, respectively, by recipients of Federal financial assistance from the Department. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation, 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. Title VI, Section 504, and Title II also prohibit retaliation. Because the District is a recipient of Federal financial assistance from the Department and a public entity, OCR has jurisdiction to resolve this complaint under Title VI, Section 504, and Title II.

OCR opened the following legal issues for investigation:

- (1) Whether the District discriminated against the Student on the basis of disability by failing to evaluate the Student's need for regular or special education and related aids and services despite having notice that, because of the Student's alleged disabilities, the Student needed or was believed to need such aids and services, and thereby denied the Student a free appropriate public education during the XXXX XXXX school year, in violation of Section 504 and Title II and their implementing

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regulations, at 34 C.F.R. §§ 104.33 and 104.35, and 28 C.F.R. § 35.130, respectively.

- (2) Whether the District treated the Student differently on the basis of race in the context of an educational program or activity (i.e., ignored persistent bullying of the Student until it escalated XXXX XXXX XXXX while intervening in the bullying of similarly situated students of other races) without a legitimate, nondiscriminatory reason and thereby interfered with or limited the ability of the Student to participate in or benefit from the services, activities or privileges provided by the District during the XXXX XXXX school year, in violation of Title VI and its implementing regulation, at 34 C.F.R. § 100.3.
- (3) Whether the District retaliated against the Student by failing to provide support for the Student during the XXXX XXXX school year, because the Complainant complained about race discrimination, in violation of Title VI and its implementing regulation, at 34 C.F.R. § 100.7(e).

During its investigation, OCR reviewed information provided by the District. Prior to the completion of OCR's investigation, the District informed OCR that it was interested in resolving the complaint allegations. Section 302 of OCR's *Case Processing Manual* (CPM) provides that a complaint may be resolved at any time when, prior to the conclusion of an investigation, the recipient expresses an interest in resolving the allegation. Further, the CPM provides that the provisions of the voluntary resolution agreement will be aligned with the complaint allegations or the information obtained during the investigation, and will be consistent with applicable regulations. OCR approved the District's request to resolve this complaint prior to the conclusion of the investigation.

OCR secured the enclosed Resolution Agreement (Agreement) from the District on November 14, 2017. OCR has determined the provisions of the Agreement are aligned with the complaint allegations and appropriately resolves them. Further, OCR accepts the Agreement as an assurance the District will fulfill its obligations under Section 504, Title II, and Title VI with respect to this complaint. The dates for implementation and specific actions are detailed in the enclosed Agreement. Accordingly, as of the date of this letter, OCR will cease investigation of this complaint. OCR will actively monitor the District's implementation of the Agreement. Please be advised that if the District fails to adhere to the actions outlined in the Agreement, OCR will immediately resume its compliance efforts.

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. The complainants may have the right to file a private suit in Federal court whether or not OCR finds a violation.

Please be advised the District 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 a 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.

Thank you for your cooperation during the investigation and resolution of this complaint. If you have any questions regarding this letter, please contact Tanya Oliveira, the attorney-investigator assigned to this matter, at (214)-661-9679 or tanya.oliveira@ed.gov, or me, at (214)-661-9648 or timothy.caum@ed.gov.

Sincerely,

Timothy D. Caum  
Supervisory General Attorney/Team Leader  
Office for Civil Rights  
Dallas Office

Enclosure: Signed Resolution Agreement