



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

October 17, 2018

Dr. Charles E. Dupre
Superintendent
Fort Bend Independent School District
16431 Lexington Blvd.
Sugar Land, TX 77498

Via first class mail

Ref: 06181101-Fort Bend Independent School District

Dear Superintendent Dupre:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint, filed against the Fort Bend Independent School District (FBISD or Recipient), in Sugar Land, Texas. The Complainant alleged that FBISD discriminated against her son (Student) on the basis of disability.

OCR is responsible for determining whether entities that receive or benefit from federal financial assistance from the Department (recipients), or an agency that has delegated investigative authority to the 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 regulation at 34 C.F.R. Part 104, which prohibit 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. § 12132, 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 certain public entities. FBISD is a recipient and a covered public entity. Thus, OCR has jurisdiction to resolve this complaint under Section 504 and Title II.

OCR opened for investigation the following legal issue:

- Whether the Recipient discriminated against the Student on the basis of disability during the Fall 2017 semester, by failing to provide the Student with an equal opportunity to participate in nonacademic services (i.e. the District's Extended Day Program) in violation of Section 504 and its implementing regulations at 34 C.F.R § 104.37(a) and Title II and its implementing regulations at 28 C.F.R. § 35.130(a).

Prior to the completion of OCR's investigation, the Recipient informed OCR that it was interested in resolving the complaint allegation. Section 302 of OCR's *Case Processing Manual* 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. The provisions of the

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resulting 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 Recipient's request to resolve this complaint prior to the conclusion of OCR's investigation.

The Recipient voluntarily signed the enclosed resolution agreement (Agreement) on October 16, 2018. 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 that the Recipient will fulfill its obligations under Section 504 and Title II with respect to this complaint. The dates for implementation and specific actions are detailed in the enclosed Agreement.

This concludes OCR's investigation of this complaint. However, OCR will monitor the Recipient's implementation of the Agreement. Please be advised that if the Recipient fails to adhere to the actions required under the Agreement, OCR will 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.

Please be advised the 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, 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.

If you have any questions regarding this matter, you may contact the attorney assigned to this complaint, Craig Nydick, at (214)-661-9622 or craig.nydick@ed.gov. You may also contact me at (214)-661-9648.

Sincerely,

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

cc: X---Name Redacted---X (X---Email Redacted---X), Outside Counsel