



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1999 BRYAN STREET, SUITE 1620
DALLAS, TEXAS 75201-6831

REGION VI
LOUISIANA
MISSISSIPPI
TEXAS

September 2, 2020

Ref: 06201414

Dr. Kent Parades Scribner, Superintendent
Fort Worth Independent School District
100 N. University
Fort Worth, Texas 76107

Via e-mail only (kent.scribner@fwisd.org)

Dear Dr. Scribner,

The United States Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its investigation of the above-referenced complaint, which was received on March 9, 2020, and filed against the Fort Worth Independent School District (FWISD or Recipient), in Fort Worth, Texas. The Complainant alleged that the FWISD discriminated against his 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. § 704 (amended 1992), and its implementing regulations 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 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 FWISD is a recipient and public entity. Therefore, OCR has jurisdiction over this complaint under Section 504, and Title II.

OCR opened the following issue for investigation—whether the FWISD discriminated on the basis of disability during the spring 2020 semester when it failed to provide the Complainant procedural safeguards (e.g., X---phrase redacted---X), in violation of Section 504 and Title II, at 34 C.F.R. § 104.36, and 28 C.F.R. § 35.130, respectively.

OCR reviewed information provided by the Complainant and the FWISD. OCR also conducted an interview with the Complainant, and relevant witnesses from the FWISD. OCR's preliminary

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by fostering educational excellence and ensuring equal access.

review of the information provided by the FWISD indicates X---phrase redacted---X the Student was evaluated by the FWISD, determined to be a qualified student with a disability, and X---phrase redacted---X pursuant to Section 504. OCR's review indicates X---phrase redacted---X the Complainant submitted X---phrase redacted to end of sentence---X. The evidence indicates FWISD staff X---phrase redacted---X contacted the Complainant to clarify his request. During FWISD staff's conversation with the Complainant, FWISD staff X---phrase redacted to end of sentence---X. Neither the Complainant nor FWISD staff indicated the Complainant was notified that X---phrase redacted to end of sentence---X. OCR's preliminary review of the above information raises a concern that in response to the Complainant's attempt referenced above, the FWISD may not have notified the Complainant of his ability to file for an impartial due process hearing with the FWISD under Section 504.

Prior to the conclusion of OCR's investigation, the FWISD informed OCR that it was interested in resolving the issue opened for investigation. Section 302 of OCR's Case Processing Manual (CPM) provides that an allegation 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 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 FWISD's request to resolve the issue opened for investigation.

The FWISD voluntarily signed the enclosed resolution agreement (Agreement) on September 2, 2020. OCR determined the Agreement resolves the issue opened for investigation, upon implementation. Thus, OCR is closing the investigation of this complaint as of the date of this letter. OCR will monitor the FWISD's implementation of the Agreement to ensure all commitments are satisfied.

Please be advised that the recipient may not harass, coerce, intimidate, discriminate or otherwise retaliate against any individual because he or she asserted a right or privilege under a law enforced by OCR or filed a complaint, testified, or participated in the complaint resolution process. If this happens, the individual may file a complaint with OCR.

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 about this letter, please contact Najwa-Monique Sharpe, the attorney assigned to investigate your complaint, at (214) 661-9642, or by e-mail at najwa-monique.sharpe@ed.gov. You may also contact me at 214-661-9648 or by e-mail at timothy.caum@ed.gov.

Sincerely,

Timothy D. Caum
Supervisory Attorney/Team Leader
OCR, Dallas Office

CC: Jennifer Carroll, Counsel for the FWISD via e-mail only (jcarroll@wabsa.com)