

Resolution Agreement
Fort Worth Independent School District
OCR Complaint No. 06201414

The U.S. Department of Education, Office for Civil Rights (OCR) and the Fort Worth Independent School District (FWISD) enter into this resolution agreement (Agreement) to resolve the issue opened for investigation in the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the FWISD. The FWISD assures OCR that it will take the following actions to comply with the requirements of 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; and 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.

Prior to the completion of OCR's investigation, the FWISD agreed to resolve this complaint pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, the FWISD agrees to take the following actions:

ACTION ITEM I

By September 4, 2020, the FWISD will send the Complainant a letter to the e-mail address on file with the FWISD, providing a copy of or link to the FWISD's policies, and all necessary forms regarding the right to an impartial due process hearing, and notifying the Complainant that the FWISD will X---phrase redacted---X if he files said request within 30 calendar days of the date of the letter.

REPORTING REQUIREMENTS

Within five (5) calendar days after the FWISD sends the letter described in Action Item I, the FWISD will provide OCR a copy of the letter e-mailed to the Complainant including the e-mail address to which the FWISD sent the letter.

If the Complainant does not file a Section 504 due process hearing request with the FWISD, or the Complainant does not provide a response to the letter by the deadline indicated in the letter, the FWISD must provide OCR a letter notifying OCR that the Complainant has not filed a Section 504 due process hearing request.

ACTION ITEM II

The FWISD will provide information to OCR in connection with a training session for FWISD staff responsible for processing due process hearing requests, and Section 504 Coordinators (FWISD Staff). The training will cover the FWISD's obligation to provide procedural safeguards including the right to an impartial due process hearing in accordance with Section 504 and Title II. The training will be created by one or more individuals knowledgeable about the above-mentioned topics and may be delivered to FWISD Staff in person or in an electronic format.

REPORTING REQUIREMENTS

By October 23, 2020, the FWISD will provide OCR the training materials reflecting the topics described in Action Item I that include, but shall not be limited to, the credentials of the individual(s) selected to conduct the training, a proposed plan for the training session (e.g., length of the training session, topics to be considered, etc.), and a copy of the training materials to be used by the trainer(s) and/or provided to attendees during the training session.

Within sixty (60) calendar days after submission of the above mentioned materials, the FWISD will conduct the training. The training must be provided to FWISD Staff as defined above.

Within ten (10) calendar days after conducting the final training session in accordance with Action Item II, the FWISD will provide OCR with documentation demonstrating the training has been completed, including a list containing the printed name, signature, and title of each attendee, the materials used during the training, and any other information indicating that the training sessions were conducted in accordance with the requirements of this Agreement.

The FWISD understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the FWISD understands that during the monitoring of the Agreement, if necessary, OCR may visit the FWISD, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the recipient has fulfilled the terms of the Agreement. Upon the FWISD's satisfaction of the commitments made under the Agreement, OCR will close the case.

The FWISD further understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR will give the FWISD written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the FWISD's representative below.

Dr. Kent Paredes Scribner, Superintendent
Fort Worth Independent School District

Date