



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS  
DALLAS OFFICE

January 13, 2011

Ref. Number: 06101552

Dr. Melody A. Johnson, Superintendent  
Fort Worth Independent School District  
100 North University Drive  
Forth Worth, Texas 76107

Dear Dr. Johnson:

On December 17, 2010, the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, notified the FWISD and the complaint that OCR has opened the above referenced complaint for investigation. In this complaint, which was received in this office on September 27, 2010, it was alleged that the Fort Worth Independent School District (FWISD), in Forth Worth, Texas, discriminates on the basis of race and national origin. Upon further review of the complaint allegations, the issues have been restated as follows:

1. Whether the FWISD discriminated against black and Hispanic students on the bases of race and national origin in its application of suspension as a disciplinary sanction.
2. Whether the FWISD discriminated against black and Hispanic students on the bases of race and national origin in its application of sanctions for the offense of altercation/fighting and truancy.
3. Whether the FWISD treated African American students differently than similarly situated white students at AHHIS by failing to allow African American students the opportunity to change absences from "unexcused" to "excused" during the 2009-2010 school year.

Enclosed with this letter is an initial data request. **Please provide the requested information to OCR within 20 calendar days from the date of this letter.** Section 100.6(c) of Title 34 of the Code of Federal Regulations stipulates that each recipient of Federal financial assistance shall permit access to pertinent sources of information to responsible Department officials or designees. Asserted considerations of privacy, such as the FERPA, shall not bar OCR from evaluating a complaint or seeking compliance of the regulation. Indeed, under 34 C.F.R. § 99.31(a)(3), an educational agency or institution may disclose personally identifiable information from an education record of a student without the consent required by Sec. 99.30.

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

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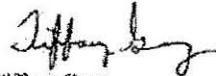
Be advised, however, that this request does not preclude OCR from requesting additional information during the course of OCR's complaint resolution process. After reviewing this information, OCR will determine whether an on-site investigation is warranted. If so, you will be contacted to arrange a mutually convenient date.

Under OCR procedures we are obligated to advise the complainant and the institution against which a complaint has been filed that intimidation or retaliation against a complainant is prohibited by regulations enforced by this agency. Specifically, the regulations enforced by OCR, directly or by reference, state that no recipient or other person shall intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by the regulations enforced by OCR or because one has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding, or hearing held in connection with a complaint.

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 questions, please contact me at 214-661-9611 or via email at [Tiffany.Gray@ed.gov](mailto:Tiffany.Gray@ed.gov).

Sincerely,



Tiffany Gray,  
Attorney, Dallas Office  
Office for Civil Rights

Enclosure

**REVISED REQUEST FOR DATA**  
**Fort Worth Independent School District (FWISD)**  
**Case Number 06101552**

**Please provide the following information to OCR.**

1. A copy of all AHHS student disciplinary policies and procedures. Also, provide a narrative explaining how the policy is disseminated to students, parents and staff.
2. A copy of the AHHS student/parent handbooks for the 2009-2010 school year.
3. The 2008-2009 and 2009-2010 school years' enrollment information for AHHS showing number of students by race/national origin, sex, and disability status.
4. A list of all students disciplined at AHHS during the 2008-2009 and 2009-2010 school years. The list should include for each student:
  - a. Student name, race/national origin, and grade level
  - b. Date of each disciplinary sanction
  - c. The offense
  - d. Penalty/sanction
  - e. The name, title and race/national origin of the administrator who determined the sanction
5. A list of all personnel (by name, job title, race/national origin, and sex) responsible for the administration of discipline of AHHS students.
6. The AHHS attendance policies, including the procedures for getting the status of an absence changed from unexcused to excused, for getting an absence removed from the attendance record, and for sending/referring a student to truancy court based on absences.
7. A list of all students at the AHHS during the 2009-2010 school who had unexcused absences. The list should include for each student:
  - a. Student name, race/national origin, and grade level
  - b. Date of the absence
  - c. Type of unexcused absence
8. A list of all students at the AHHS during the 2009-2010 school who had excused absences. The list should include for each student:
  - a. Student name, race/national origin, and grade level
  - b. Date of the absence
  - c. Type of excused absence

9. A copy of all documents in the attendance envelopes (as described by [REDACTED] as being one for each day students were in school during the 2009-2010 school year), including the *Attendance List* sheets, for the following dates:
  - a. [REDACTED]
  - b. [REDACTED]
  - c. Please ensure that the set of documents for each date is identifiable from the other sets of documents
10. A key defining the attendance codes, including the codes for different types of excused and unexcused absences.
11. The 2009-2010 district calendar.
12. Any additional documentation that may be of assistance to OCR in the resolution of this complaint.

For your convenience you may provide the requested information electronically, (e.g., via web reference, electronic link or emailed information contained in software programs, such as Excel, etc.). If you have questions in this regard, please do not hesitate to contact Tiffany Gray at 214-661-9611 or via email at [Tiffany.Gray@ed.gov](mailto:Tiffany.Gray@ed.gov).