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October 7, 2011

Matthew H. Krause
Liberty Counsel
Post Office Box 11108
Lynchburg, VA 24506-1108

Dear Attorney Krause:

The Fort Worth Independent School District has concluded its review of the removal of Dakota Ary from the German class led by Kristopher Franks.

This review was conducted in accordance with District policies and was essential for two reasons: 1) Dakota's claim of a potential First Amendment violation and 2) the implication that bullying behavior might have been involved. After carefully reviewing the information gathered, the District has determined that neither potential issue has validity.

A perceived student conduct violation does allow for the temporary removal of a student. The District then considers two questions before assessing discipline. The first is whether there has been a violation of the Student Code of Conduct. If so, the District then determines the appropriate consequence for such a violation. But in this case, as in all cases, if the perceived violation is determined not to be true, the student is returned to class, as soon as possible, without consequence. Unfortunately, Dakota remained in in-house suspension for almost four hours before returning to his assigned classes without a consequence. While the delay was due to the District's attempt to carefully consider the competing interests presented by the referral, we do apologize for the delay in returning Dakota to class.

As previously stated, Dakota was not punished for expressing an opinion and there is no permanent record of his being punished for expressing an opinion. We recognize Dakota has the right to express an opinion in a manner consistent with law and policy.

As you requested, this letter will be placed in his official educational record for future references.

Yours truly,

[original signed]

Bertha Bailey Whatley
Chief Legal Counsel

cc: Walter Dansby
School Leadership