



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

November 24, 2014

Reference: 06141359

Mr. Blake Cooper, Superintendent
Commerce Independent School District
3315 Washington St.
Commerce, TX 75428

Dear Mr. Cooper:

This letter is to inform you of the determination of the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, regarding the resolution of the above-referenced complaint filed against the Commerce Independent School District (CISD), Commerce, Texas, which was received on April 16, 2014. The complaint alleged that the CISD retaliated against XXXX XXXX (the Student) after the complainants advocated on the Student's behalf by reporting to the CISD an incident that they believed occurred because of the Student's race (African American), and because they subsequently filed a complaint with OCR in XXXX of XXXX, by:

1. Publicly announcing through the release of the District's Board Meeting Minutes information pertaining to a complaint that was filed with OCR, which the complainants felt provided information identifying the Student;
2. Not including the Student in XXXX-XXXX field trips; and
3. Falsely accusing the Student of using profanity during XXXX class in XXXX of XXXX.

OCR is responsible for determining whether organizations that receive or benefit from Federal financial assistance, either from the Department or from an agency that has delegated investigative authority to the Department, are in compliance with Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d, *et. seq.*, and its implementing regulations, at 34 C.F.R. Part 100, which prohibit discrimination on the bases of race, color, and national origin. The Title VI implementing regulations, at 34 C.F.R. § 100.7(e), also prohibit retaliation. The CISD is a recipient of Federal financial assistance from the Department. Therefore, OCR has jurisdictional authority to investigate allegations of retaliation filed against the CISD under Title VI.

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

OCR opened this complaint for investigation because we determined that the Complainants' allegations, if proven true, would constitute retaliation in violation of Title VI. Specifically, OCR opened an investigation of the following legal issues:

- 1. Whether the CISD retaliated against the Student during the XXXX of XXXX by publicly announcing through the release of the District's Board Meeting Minutes information pertaining to a complaint that was filed with OCR, which the complainants believed provided information identifying the Student, because the complainants advocated on his behalf by reporting an incident to the CISD that they believe occurred because of the Student's race (African American) and because they filed a complaint with OCR, in violation of Title VI, at 34 C.F.R. § 100.7(e).*
- 2. Whether the CISD retaliated against the Student during the XXXX school year by not allowing him to participate in XXXX XXXX field trips that were made available to other students, because the complainants advocated on his behalf by reporting an incident to the CISD that they believe occurred because of the Student's race (African American) and because they filed a complaint with OCR, in violation of Title VI, at 34 C.F.R. § 100.7(e).*
- 3. Whether the CISD retaliated against the Student by falsely accusing him of using profanity during XXXX class in XXXX of XXXX, because the complainants advocated on his behalf by reporting to the CISD an incident that they believe occurred because of the Student's race (African American) and because they filed a complaint with OCR, in violation of Title VI, at 34 C.F.R. § 100.7(e).*

Prior to reaching an investigative compliance determination, the CISD expressed a desire to voluntarily resolve the complaint. The CISD submitted the enclosed Resolution Agreement (Agreement) dated November 20, 2014, to memorialize the steps that it will take to resolve the compliance issues raised by the complaint allegations. OCR has determined that the Agreement, when fully implemented, will satisfactorily resolve the compliance issues raised by the complaint allegations. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this complaint; however, OCR will actively monitor the CISD's efforts to implement the Agreement. Please be advised that if the CISD fails to adhere to the actions outlined in the Agreement, OCR will immediately resume its compliance efforts.

This concludes OCR's investigation of the complaint and should not be interpreted to address the CISD's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. The Complainants have been notified of this action.

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. The Complainants may have the right to file a private suit in Federal court whether or not OCR finds a violation.

Please be advised that the CISD 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 Complainants 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.

Thank you for the cooperation that you and your staff extended to OCR in our efforts to resolve this complaint. If you have any questions regarding this letter, please contact Justin T. Evans, Team Leader, at (214) 661-9600.

Sincerely,

Taylor D. August
Director
U.S. Department of Education
Office for Civil Rights, Dallas Office

Enclosure