



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

April 5, 2018

Ref: 06141597

[XXXX to end of address line]

Via first class mail and email to [XXXX]

Dear [XXXX XXXX]:

This letter is to notify you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint filed against [XXXX XXXX], the Austin Independent School District (AISD or District), in Austin, Texas. The complainant alleged that the District discriminated against students on the basis of sex and race.

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 Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulations at 34 C.F.R. Part 106; and 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. Title IX prohibits discrimination by recipients on the basis of sex. Title VI prohibits discrimination by recipients on the bases of race, color, or national origin. The AISD is a recipient. Therefore, OCR has jurisdictional authority to process this complaint for resolution under Title IX and Title VI.

OCR opened the following issues for investigation:

1. Whether the District discriminated against students on the basis of sex during the 2014–2015 school year, when it established and operated two single-sex schools, namely the Bertha Sadler Means Young Women’s Leadership Academy (Means) and the Garcia Young Men’s Leadership Academy (Garcia), in noncompliance with the Title IX implementing regulation at 34 C.F.R. § 106.34(c); and
2. Whether the District discriminated on the basis of race during the 2014–2015 school year when, through its establishment and operation of Means and Garcia, it disparately impacted African-American and Latino students, who predominantly make up the student body at Means and Garcia (i.e., Means and Garcia offer different educational opportunities and resources compared to other AISD middle schools, which have a different racial and ethnic makeup than the single-sex schools), in violation of 34 C.F.R. § 100.3.

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

During its investigation, OCR reviewed information collected via data responses, staff and student interviews, onsite visits to Means and Garcia, and publicly available websites. Prior to the completion of OCR's investigation, the District informed OCR that it was interested in resolving the complaint. Section 302 of OCR's *Case Processing Manual* (CPM) provides that a complaint may be resolved at any time when, prior to the conclusion of an investigation, the recipient expresses an interest in resolving the investigation. Further, the CPM provides that the provisions of the voluntary 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 District's request to resolve this complaint prior to the conclusion of its investigation.

The District signed the enclosed resolution agreement (Agreement) on April 4, 2018. OCR has determined that the provisions of the Agreement are aligned with the issues opened and appropriately resolve them. Further, OCR accepts the Agreement as an assurance that the District will fulfill its obligations under Title IX and Title VI with respect to this investigation. The dates for implementation and specific actions are detailed in the enclosed Agreement. As of the date of this letter, OCR's investigation is closed. OCR will monitor the District's implementation of the Agreement. Please be advised that if the District fails to adhere to the actions outlined in the Agreement, OCR will resume its compliance efforts.

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 complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised the District 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 individual may file a 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 your cooperation during the investigation and resolution of this complaint. If you have any questions regarding this letter, please contact General Attorney Cristin Hedman, the investigator assigned to the matter, at (214)-661-9647 or cristin.hedman@ed.gov. You may also contact me at (214)-661-9648 or timothy.caum@ed.gov.

Sincerely,

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

Enclosure: Signed Resolution Agreement

CC: [XXXX to end of CC line]