



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

September 29, 2018

XX XXXX XXXX, Superintendent
Spring Branch Independent School District
955 Campbell Road
Houston, Texas 77024

OCR Complaint No. 06161096

Dear Dr. Muri:

This letter is to inform you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint against Spring Branch Independent School District (SBISD), Houston, Texas, which was received in our office on November 18, 2015. The complainant alleged that SBISD discriminated against her son (the Student) on the basis of race (Black), and retaliated against both her and the Student, during the 2015-2016 school year.

OCR is responsible for determining whether entities 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 regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color or national origin. The Title VI regulation at 34 C.F.R. § 100.7(e), also prohibits retaliation against any individual who asserts rights or privileges under Title VI or who files a complaint, testifies, assists, or participates in a proceeding under Title VI. OCR has determined that SBISD is a recipient of Federal financial assistance from the Department. Therefore, OCR has jurisdictional authority to process this complaint pursuant to Title VI.

Because OCR determined that it has jurisdiction, and the complaint was timely filed, OCR investigated the following legal issues:¹

1. Whether SBISD discriminated against the Student on the basis of race by failing to adequately respond to racially harassing conduct by SBISD staff members, which was sufficient to constitute a hostile environment, of which it had or should have had notice during the 2015-2016 school year, in violation of Title VI, at 34 C.F.R. § 100.3;
2. Whether SBISD treated the Student differently on the basis of race in the context of an educational program or activity without a legitimate, nondiscriminatory reason, i.e., when it denied him access to Advanced Placement (AP), high level and career-building

¹ The original issues outlined in OCR's notification letter to you dated March 25, 2016, have been revised.

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

courses, and thereby interfered with or limited the ability of the Student to participate in or benefit from the services, activities, or privileges provided by SBISD, during the 2015-2016 school year, in violation of Title VI, at 34 C.F.R. § 100.3;

3. Whether SBISD retaliated against the Student when a SHS campus police officer followed the Student at school, and a teacher circled his desk, yelled at him, and asked him to leave the classroom, during the 2015-2016 school year, based upon the complainant's advocacy regarding the alleged conduct described in Issue 2, in violation of Title VI, at 34 C.F.R. § 100.7(e); and
4. Whether SBISD retaliated against the complainant when the SHS Principal yelled at her, and by restricting her access to the SHS campus, confiscating her driver's license, and denying her the opportunity to eat lunch with the Student, during the 2015-2016 school year, based upon her advocacy regarding the alleged conduct described in Issue 2, in violation of Title VI, at 34 C.F.R. § 100.7(e).

During the complaint investigation, OCR collected and reviewed pertinent information from SBISD and the complainant. However, prior to the completion of OCR's investigation, on September 10, 2018, SBISD officials requested to enter into a voluntary resolution agreement (Agreement) to resolve the complaint issues raised in this complaint pursuant to OCR's Case Processing Manual, Section 302. Based on SBISD's request to resolve the complaint, OCR entered into negotiations with SBISD. On _____, SBISD provided OCR with a signed Agreement. OCR accepted the Agreement and has determined that the Agreement, when fully implemented, will resolve OCR's compliance concerns, and as such, OCR will cease all investigative actions regarding the complaint issues, as of the date of this letter. However, OCR will monitor SBISD's implementation of the Agreement. A copy of the signed Agreement is enclosed.

This letter should not be interpreted to address SBISD's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. 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 a right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that SBISD 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, that individual may file another complaint alleging such treatment.

Under the Freedom of Information Act, 5 U.S.C. § 552, 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 of this complaint. If you have any questions about this letter, you may contact Lisa Y. Thierry, Senior Equal Opportunity Specialist, by telephone at (214) 661-9654, or by electronic mail at lisa.thierry@ed.gov, or me by telephone at (214) 661-9687 or by electronic mail at terri.gonzales@ed.gov.

Sincerely,

Terri Gonzales
Supervisory Attorney/Team Leader
Dallas Office

Enclosure