



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

February 12, 2018

OCR Docket No. 06171614

Dr. Tom Leonard, Superintendent
Eanes Independent School District
601 Camp Craft Road
Austin, Texas 78746

Via first class mail and e-mail (tleonard@eanesisd.net)

Dear Dr. Leonard:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint, which was received in our office on April 24, 2017, and filed against the Eanes Independent School District (District or EISD), in Austin, Texas. In the complaint filed with OCR, the Complainant alleged that the EISD discriminated against her daughter, the Student, on the basis of race (XX---phrases redacted---XX) when, in February 2017, an EISD student sent racial slurs to the Student through social media and EISD staff failed to resolve the matter.

OCR is responsible for determining whether entities that receive or benefit from Federal financial assistance from the Department, or 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. The EISD is a recipient of Federal financial assistance from the Department.

OCR opened the following issue for investigation:

Whether the EISD discriminated against the Student on the basis of race by failing to adequately respond to racially harassing conduct by other students, which was sufficient to constitute a hostile environment, of which it had or should have had notice during the 2016-2017 school year, in violation of Title VI, at 34 C.F.R. § 100.3.

Based on its investigation to date, OCR determined that the Student was in the XXX grade during the 2016-2017 school year and attended the Westlake High School (WHS). The Complainant reported to the WHS in March 2017, that a student made racial slurs regarding the Student via social media. Information from the EISD indicates it conducted an investigation into the Complainant's report, but determined that the social media post occurred outside of school and did not create a substantial disruption in school. EISD staff did not take XX---to end of sentence redacted---XX Prior to OCR making an investigative determination, the EISD requested

to resolve the complaint by voluntarily entering into a Resolution Agreement. Under OCR's procedures, a complaint may be resolved at any time when, prior to the conclusion of the investigation, a recipient expresses an interest in resolving the allegations and issues and OCR determines that it is appropriate to do so.

OCR determined that it is appropriate to resolve the allegation and issue pursuant to OCR's case processing procedures referenced above. February 9, 2018, the EISD voluntarily entered into the enclosed Agreement, which OCR has determined addresses the allegations in the complaint and, when fully implemented, will resolve the complaint. The Agreement is aligned with the complaint allegations and the information obtained during the investigation, and is consistent with applicable law and regulations. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this complaint. However, OCR will actively monitor the EISD implementation of the Agreement to ensure compliance with Title VI with regard to the issue investigated.

This concludes OCR's investigation of the complaint and should not be interpreted to address the District'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. Please also note that the complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the recipient may not harass, coerce, intimidate, discriminate or otherwise retaliate against any individual because he or she asserted a right or privilege under a law enforced by OCR or filed a complaint, testified, or participated in the complaint resolution process. If this happens, the individual may file another complaint with OCR.

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, it 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 any questions about this letter, you may contact Najwa-Monique Sharpe, Civil Rights Attorney, at (214) 661-9642, or by e-mail at najwa-monique.sharpe@ed.gov, or you may contact me at 214-661-9638 or by e-mail at lori.bringas@ed.gov.

Sincerely,

/s/

Lori Howard Bringas
Supervisory Attorney/Team Leader
Office for Civil Rights
Dallas Office

Enclosure: Resolution Agreement

cc: Holly Sherman, EISD Counsel, via e-mail only (hsherman@rmgllp.com)