



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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REGION VI  
ARKANSAS  
LOUISIANA  
MISSISSIPPI  
TEXAS

February 2, 2018

Via Regular and Email: [commissioner@tea.state.tx.us](mailto:commissioner@tea.state.tx.us)

XXphraseredactedXX, Commissioner of Education  
Texas Education Agency  
1701 N. Congress Ave.  
Austin, TX 78701

Re: OCR Complaint No. 06-17-1713  
Texas Education Agency

Dear Commissioner XXphraseredactedXX:

This letter is to inform you of the disposition of the above-referenced complaint filed against the Texas Education Agency (TEA), Austin, Texas with the U.S. Department of Education (Department), on May 17, 2017, alleging discrimination on the basis of national origin. The complainant alleged that the TEA discriminated against the complainant on the basis of national origin by not providing XXphraseredactedXX with effective communication services in a language XXphraseredactedXX could understand (Spanish) during TEA's complaint resolution process (TEA complaint XXphraseredactedXX).

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

Because OCR determined that it had jurisdiction and that the complaint was filed timely, it opened the following issue for investigation:

Whether the TEA discriminated against the Student's parents, in March and May 2017, by failing to provide effective English language translation or interpretive services regarding the "Notice of Special Education Complaint and Request for Response" and "Special Education Complaint Investigative Report of XXphraseredactedXX, 2017", respectively, to the complainants because the Student's parents are non-English speaking parents (i.e., monolingual Spanish) and thereby, limited the ability of the Student's

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

parents to effectively participate in or benefit from the services, activities or privileges provided by the TEA (e.g. late translation reduced 15 day reconsideration request period to 2 days for complainant) during the special education complaint process procedure, in violation of Title VI, at 34 C.F.R. §100.3.

Prior to the completion of OCR's investigation, the TEA asked to resolve this complaint pursuant to Section 302 of OCR's *Case Processing Manual* (CPM). The Recipient voluntarily submitted the enclosed Resolution Agreement (Agreement) to resolve this complaint, which it signed on January 23, 2018. OCR has determined the provisions of the Agreement are aligned with the complaint allegations and appropriately resolves them. Further, OCR accepts the Agreement as an assurance that the Recipient will fulfill its obligations under Title VI with respect to this complaint. The dates for implementation and specific actions are detailed in the enclosed Agreement. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this complaint. However, OCR will actively monitor the Recipient's implementation of the Agreement. Please be advised that if the Recipient fails to adhere to the actions outlined in the Agreement, OCR will immediately resume its compliance efforts.

If the TEA fails to implement the Agreement, OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR shall give the TEA written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

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 be advised that the TEA 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 harmed individual may file a complaint alleging such treatment.

The Complainant may file a private suit in federal court, whether or not OCR finds a violation.

Under the Freedom of Information Act, it may be necessary to release this letter 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.

OCR looks forward to receiving the TEA’s first monitoring report by February 15, 2018. For questions about implementation of the Agreement, please contact Gerardo Rojas, who will be monitoring the District’s implementation, by e-mail at [Gerardo.Rojas@ed.gov](mailto:Gerardo.Rojas@ed.gov) or by telephone at 214-661-9612. For questions about this letter, please contact team leader Melissa Malonson at 214-661-9600.

Sincerely,

Melissa Huling Malonson  
Team Leader Attorney  
U.S. Department of Education  
Office for Civil Rights  
Dallas Office

Enclosure: Resolution Agreement