



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

Dr. Jack Seals, Superintendent
Cotulla Independent School District
310 North Main
Cotulla, TX 78014

OCR Ref #: 06-17-1732
Cotulla Independent School District

Dear Dr. Seals:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint filed against the Cotulla Independent School District (District), XXXX XXXX XXXX (School). The complaint alleged that the District discriminated against a student (the Student) based on sex and age.

OCR is responsible for enforcing the Age Discrimination Act of 1975 (Age Act), 42 U.S.C. § 6101 *et seq.*, and its implementing regulation, at 34 C.F.R. Part 110, and Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulation, at 34 C.F.R. Part 106, which prohibit discrimination by recipients of Federal financial assistance from the Department based on age and sex, respectively. The District is a recipient. Thus, OCR has jurisdiction to resolve this complaint pursuant to the Age Act and Title IX. OCR opened the following legal issues for investigation:

1. Whether the District treated the Student differently based on sex, in the context of an educational program or activity (*i.e.*, XXXX the Student XXXX XXXX XXXX XXXX XXXX XXXX than similarly situated male students), without a legitimate, nondiscriminatory reason, and thereby, interfered with or limited her ability to participate in or benefit from the services, activities or privileges provided by the District, in violation of Title IX, at § 106.31.
2. Whether the District treated the Student differently based on age, in the context of an educational program or activity (*i.e.*, XXXX the Student XXXX XXXX XXXX XXXX XXXX XXXX than similarly situated older students), without a legitimate, nondiscriminatory reason, and thereby, interfered with or limited her ability to participate in or benefit from the services, activities or privileges provided by the District, in violation of the Age Act at § 110.10.

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 the investigation to date, OCR reviewed information provided by the complainant and the District. OCR also interviewed the complainant, the Student and District personnel. OCR's preliminary review indicates that the XXXX to the end of the paragraph XXXX.

OCR's review of District records indicate that XXXX to the end of the paragraph XXXX.

Based on OCR's investigation to date, the evidence reflects a concern that the District may have treated the Student differently than similarly situated students based on sex and age with respect to issues under investigation.

Prior to the conclusion of OCR's investigation, the District informed OCR that it was interested in resolving the complaint. Section 302 of OCR's *Case Processing Manual* 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 allegation. The provisions of the resulting 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 District's request to resolve this complaint prior to conclusion of the investigation.

The District voluntarily signed the enclosed resolution agreement (Agreement) on September 3, 2019. OCR determined the Agreement addresses and resolves the issues under investigation, upon implementation. Thus, OCR is closing the investigation of this complaint as of the date of this letter. OCR will monitor implementation of the Agreement to ensure the District satisfies its obligations under the Agreement.

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 a retaliation complaint with OCR.

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.

Regarding issue 2, OCR is required under the Age Act's regulation implementing to inform you that the complainant/Student may file a civil action following the exhaustion of administrative remedies. Administrative remedies are exhausted if 180 days have elapsed since the complaint was filed with OCR and OCR has made no finding with regard to the complaint or if OCR issues a determination in favor of the recipient. This civil action can only be brought in a United States district court for the district in which the recipient is found or transacts business. If the complainant/Student prevails in the civil action, the complainant may have a right to be awarded costs of the action, including reasonable attorney's fees, but these costs must be demanded in the complaint filed with the court. Before commencing a civil action, the complainant/Student must give 30 days' notice by registered mail to the Secretary of Health and Human Services, the Secretary of Education, the Attorney General of the United States, and the recipient. This notice

must state the alleged violation of the Age Act, the relief requested, the court in which the action will be brought and whether or not attorney's fees are demanded in the event that the complainant prevails. The complainant/Student cannot bring the civil action if the same alleged violation of the Age Act by the same recipient is the subject of a pending action in any court of the United States.

Please be advised that a recipient 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.

If you have questions about this letter, please contact Tanya Oliveira, the attorney assigned to investigate this complaint, at 214-661-9679. You may also contact me at 214-661-9648.

Sincerely,

Timothy D. Caum
Supervisory Attorney/Team Leader
Dallas Office