



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

October 25, 2017

Mr. Richard A. Carranza, Superintendent
Houston ISD
4400 West 18th Street
Houston, TX 77092-8501

RE: OCR Complaint #06-17-1737
Houston ISD

Dear Superintendent Carranza,

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 on May 24, 2017, against the Houston Independent School District (HISD the District). The Complainant alleged that the District discriminated against the Complainant's [XXXX] (the Student) on the basis of disability and retaliated against the Student because of the Complainant's complaints alleging disability discrimination.

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 this Department, are in compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794 (amended 1992), and its implementing regulations, at 34 C.F.R. Part 104, which prohibit discrimination based on disability. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulations, at 28 C.F.R. Part 35, which prohibit public entities from discriminating on the basis of disability. Section 504 and Title II also prohibit retaliation.

The District is a recipient of Federal financial assistance from the Department and is a public educational institution. Therefore, OCR has jurisdictional authority to process this complaint under Section 504 and Title II.

OCR opened the following issues for investigation:

1. Whether the HISD discriminated against the Student on the basis of disability by failing to provide regular or special education and related aids and services deemed necessary to meet the Student's individual educational needs (i.e., biweekly counseling sessions, reading assistance, extra time on exams or assignments, and the provision of a dedicated aide or counselor in-class at all times), and thereby denied the Student a free appropriate public education during the 2016–2017 school year, in violation of Section 504 and Title II and

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their implementing regulations, at 34 C.F.R. § 104.33 and 28 C.F.R. § 35.130, respectively.

2. Whether the HISD discriminated against the Student on the basis of disability by failing to take prompt and effective responsive action to address disability-based harassment by students, faculty, and/or administrators in the [X---phrase redacted---X] (e.g., students harassing the Student on the basis of [XXXX] disability, the [XXXX] Assistant Principal threatening the Student with disciplinary measures despite issues caused by [XXXX] disability, and [XXXX] personnel confiscating Student's [XXXX]), 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 Section 504 and Title II, at 34 C.F.R. § 104.4, and 28 C.F.R. § 35.130, respectively.
3. Whether the HISD retaliated against the Student when the [XXXX] Assistant Principal threatened the Student with disciplinary action, because the Complainant complained about [XXXX] discriminatory treatment of the Student in the 2016-2017 school year, in violation of Section 504 and Title II, at 34 C.F.R. § 104.61, and 28 C.F.R. § 35.134, respectively.

Prior to the conclusion of OCR's investigation, on September 19, 2017, 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, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint and OCR determines that such a resolution is appropriate. The provisions of the resolution agreement will be aligned with the complaint allegations or the information obtained during the investigation and will be consistent with applicable regulations. On September 25, 2017, OCR determined that a resolution under Section 302 of the CPM was appropriate.

On October 24, 2017, the District voluntarily signed and submitted to OCR a Resolution Agreement (Agreement) to resolve the complaint allegation. A copy of the Agreement is enclosed. OCR determined that 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 District will fulfill its obligations under Section 504 and Title II with respect to the complaint allegations. The dates for implementation and specific actions are detailed in the Agreement. OCR will monitor the District's implementation of the Agreement.

Effective the date of this letter, OCR is closing the investigation of this complaint. This letter 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. 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 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, you may file another 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 any questions about this letter, please contact Kyle Gruber, the attorney assigned to investigate this complaint, at (214) 661-9613 or Kyle.Gruber@ed.gov. You may also contact me at (214) 661-9648 or Timothy.Caum@ed.gov.

Sincerely,

Timothy D. Caum
Supervisory Attorney/Team Leader
Dallas Office

Enclosure:
Resolution Agreement