



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

OCR Case No. 06171978

Dr. Greg Smith, Superintendent
Clear Creek Independent School District
2425 East Main Street
League City, Texas 77573

Via First Class Mail and Email (XXXX)

Dear Dr. Smith:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its investigation of the above-referenced complaint, which was filed against the Clear Creek Independent School District (CCISD or District), in League City, Texas. The complainant alleged that XXXX XXXX (Student) was discriminated against on the basis of race (XXXX) when XX---phrase redacted---XXX in September 2017, and that the Student has been exposed to the use of racially derogatory language, during the 2017-2018 school year. The complainant further alleged that the CCISD was aware of the racially derogatory XXXX XXXX language and did not respond appropriately.

OCR is responsible for enforcing 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 bases of race, color, and national origin in education programs and activities receiving federal financial assistance. The CCISD is a recipient of Federal financial assistance from the Department and is therefore subject to Title VI.

OCR opened the following issue for investigation:

Whether the CCISD discriminated against the Student on the basis of race by failing to adequately respond to racially harassing conduct (i.e. XXXX XXXX and the use of racially derogatory language on campus) by other students, which was sufficient to constitute a hostile environment, of which it had or should have had notice, during the 2017-2018 school year, in violation of Title VI, at 34 C.F.R. § 100.3.

OCR reviewed documentation submitted by the CCISD which showed three incidents in which the Student reported concerns related to racial discrimination. In an incident report dated September 15, 2017, the Student reported XX---to the end of sentence redacted---XX. XX---phrase redacted---XX, and the Student reported that a friend of student A (student B) repeated the racial epithet. The District reported that it investigated XX---phrase redacted---XX, including collecting several student statements, and XX---to end of sentence redacted---XX. In two of the statements, students noted previously reporting the use of racially derogatory language

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on campus. The District provided no documentation regarding any response to the allegation that student B repeated the racial epithet.

In an incident report dated April 19, 2018, the Student reported the use of racially derogatory language by a student in one of XXXX classes. There was a notation on the incident report that the counselor visited with the Student. The CCISD reported to OCR that a counselor met with the students involved in the incident and no disciplinary consequences were assigned, but provided no further documentation regarding its response to the Student's complaint or the effectiveness of its response.

The CCISD provided a handwritten page of notes dated March 30, 2018, in which it appears the Student alleged an incident regarding a teacher treating Black students differently. The CCISD reported to OCR that the notes were taken by the assistant principal, and that it investigated this complaint, but did not find the teacher behaved in an inappropriate or discriminatory manner. However, aside from the handwritten page noting the Student's allegation, the District provided no further documentation regarding its investigation or determination.

The CCISD additionally reported to OCR that race harassment complaints are not tracked in an accessible manner. Without further investigation, OCR is unable to determine whether a hostile environment on the basis of race exists for the Student, and if so, whether the District takes reasonable, timely, and effective responsive action to stop the harassment, prevent its recurrence, and address its effects.

Prior to OCR completing its investigation and making an investigative determination, the District requested to resolve the complaint by voluntarily entering into a Resolution Agreement (Agreement). Under OCR's procedures, a complaint may be resolved at any time when, prior to the point when the Regional Office issues a final determination, a recipient expresses an interest in resolving the allegations and OCR determines that it is appropriate to resolve them with an agreement. The resolution agreement is aligned with the complaint allegations and the information obtained during the investigation, and is consistent with applicable law and regulations. OCR determined that voluntary resolution prior to the conclusion of the investigation is appropriate.

On August 28, 2018, the District voluntarily entered into the enclosed agreement, which, when fully implemented, resolves this complaint. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this complaint. However, OCR will actively monitor the District's implementation of the Agreement to ensure compliance with Title VI and its implementing regulation with regard to the issue investigated.

This concludes OCR's investigation of the complaint and should not be interpreted to address the recipient'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 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, that 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, 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 the attorney investigator assigned to this case, Natasha Gonzalez Rojas, at (214) 661-9680 or natasha.rojas@ed.gov, or Adriane Martin, Team Leader, at (214) 661-9678 or adriane.martin@ed.gov.

Sincerely,

/s/

Taylor D. August
Director
Office for Civil Rights
Dallas Office

Enclosure

cc: XXXX XXXX, CCISD General Counsel, via email (XXXX)