



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

Renaissance Tower
1201 Elm Street, Suite 1000
Dallas, TX 75270

REGION VI
LOUISIANA
MISSISSIPPI
TEXAS

September 7, 2021

Re: OCR Docket # 06211260

Mr. Millard House II, Superintendent
Houston Independent School District
4400 West 18th Street
Houston, Texas 77092

Via e-mail only (X---phrase redacted---X)

Dear Superintendent House,

The United States Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint filed against Houston Independent School District (HISD or Recipient), in Houston, Texas. The Complainant alleged that HISD retaliated against her.

OCR is responsible for determining whether entities that receive or benefit from Federal financial assistance from the Department (recipients), or an agency that has delegated investigative authority to the Department, are in compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 704 (amended 1992), and its implementing regulations at 34 C.F.R. § Part 104, which prohibit discrimination on the basis of 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. Under Title II, OCR has jurisdiction over complaints alleging discrimination on the basis of disability that are filed against public entities. Section 504 and Title II also prohibit retaliation. HISD is a recipient and public entity. Therefore, OCR has jurisdiction to process this complaint for resolution under Section 504 and Title II.

OCR opened the following issue for investigation—whether the HISD retaliated against the Complainant (X---phrase redacted---X), when (X---phrase redacted---X):

- a. Yelled at/scolded the Complainant regarding her participation during an ARD meeting for the Student calling her actions “ridiculous”; and
- b. Instructed school staff to ignore timelines for implementing Texas Education Agency (TEA) mandated corrective action regarding the Student’s Individualized Education Program services

because the Complainant (X---phrase redacted---X) regarding the Student’s disability-related rights, in violation of Section 504 and Title II, 34 C.F.R. § 104.61, and 28 C.F.R. § 35.134, respectively.

OCR reviewed information provided by the Complainant and HISD. OCR’s preliminary review of the information provided indicates that HISD’s Employee Relations Department investigated

whether (X---phrase redacted---X) displayed inappropriate behavior toward the Complainant during the (X---phrase redacted---X) meeting. Investigators concluded “[b]ased on the factual findings, the allegation (X---phrase redacted---X) displayed unprofessional behavior with a parent during (X---phrase redacted---X), was substantiated. (X---phrase redacted---X) exhibited unprofessional behavior in the ARD by stating (X---word redacted---X) didn’t care if (X---word redacted---X) missed another deadline with TEA, saying (X---word redacted---X) didn’t care because (X---word redacted---X) could retire, and stating (X---word redacted---X) didn’t care if (X---word redacted---X) was fired...” in violation of HISD’s Employee Standards of Conduct policy. While the HISD took several actions to redress (X---phrase redacted---X) behavior, those actions did not include training regarding retaliation. OCR’s preliminary review of the above information raises a concern that HISD may have failed to adequately redress (X---phrase redacted---X) alleged retaliatory conduct.

Prior to the conclusion of OCR’s investigation, HISD informed OCR that it was interested in resolving the issue opened for investigation. Section 302 of OCR’s Case Processing Manual (CPM) provides that an allegation 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 allegation or the information obtained during the investigation and will be consistent with applicable regulations. OCR approved HISD’s request to resolve the issue opened for investigation.

HISD voluntarily signed the enclosed resolution agreement (Agreement) on September 2, 2021. OCR determined the Agreement resolves the issue opened for investigation, upon implementation. Thus, OCR is closing the investigation of this complaint as of the date of this letter. OCR will monitor HISD’s implementation of the Agreement to ensure all commitments are satisfied.

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 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, please contact Najwa-Monique Sharpe, the attorney assigned to investigate your complaint, at (214) 661-9642, or by e-mail at najwa-monique.sharpe@ed.gov. You may also contact me at 214-661-9648 or by e-mail at timothy.caum@ed.gov.

Sincerely,

/s/

Timothy D. Caum
Supervisory Attorney/Team Leader
OCR, Dallas Office

CC: Ryan Newman and Hailey Janecka, Counsel for HISD via e-mail only (X---phrase redacted---X)