



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

REGION VI  
LOUISIANA  
MISSISSIPPI  
TEXAS

[redacted content]

Mr. Stephen Harrell, Superintendent  
Deer Park Independent School District  
[sharrell@dpisd.org](mailto:sharrell@dpisd.org)

*(Sent via email only)*

Re: OCR Complaint Ref. No. 06-21-1284

Dear Superintendent Harrell:

This is to inform you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint filed against the Deer Park Independent School District (DPISD or District) in Deer Park, Texas, which OCR received on [redacted content]. The complaint alleged that the DPISD, specifically [redacted content], discriminated against students based on their national origin by issuing letters to parents stating that they need to provide Social Security cards to enroll their children in the DPISD. The complainant expressed concern that requiring Social Security cards for enrollment may deter students from mixed immigration households who may not have Social Security numbers for the students.

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 the Department comply with Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d *et seq.*, and its implementing regulations at 34 C.F.R. Part 100, which prohibit discrimination based on national origin. The DPISD is a recipient of Federal financial assistance from the Department. Therefore, OCR has jurisdiction to process this complaint to resolution pursuant to Title VI.

OCR opened this complaint for investigation to determine whether the District violated Title VI based on the complainant's allegations. During its investigation, OCR reviewed information provided by the complainant and the District.

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Before OCR made a compliance determination, the DPISD expressed interest in voluntarily resolving the allegations in this complaint. Section 302 of OCR’s *Case Processing Manual* (CPM) provides that allegations under investigation may be resolved at any time when, prior to the conclusion of the investigation, the recipient expresses an interest in resolving the allegations and OCR determines that it is appropriate to resolve them because OCR’s investigation has identified concerns that can be addressed through a resolution agreement. OCR determined that voluntary resolution prior to the conclusion of the investigation is appropriate in this case. A summary of the information OCR obtained during its investigation is included below.

## **I. Evidence Obtained To Date**

The complainant alleged that [redacted content] mailed out [redacted content] letters to students on or about [redacted content], stating that Social Security cards are required for enrollment per the District’s policy. According to the complainant, the letters could lead individuals in the District, many of whom are immigrants, into believing that they must provide Social Security numbers for their children to enroll in the District’s schools. OCR reviewed a copy of the [redacted content], letter ([redacted content] Letter) our agency received from the complainant. Per this correspondence, [redacted content] advised that the District requires Social Security cards and birth certificates for enrollment.

OCR reviewed documentation from the District concerning student registration. This information included a spreadsheet containing data about the students enrolled in the DPISD (DPISD Enrollment Spreadsheet) and the DPISD’s letter (Data Response Letter) in response to OCR’s notification letter in this case. [redacted content] Also, per the Data Response Letter, the DPISD asserted that it neither denied enrollment to any students who did not provide Social Security cards nor unenrolled students because they did not provide Social Security cards.

OCR reviewed a copy of the [redacted content] Letter that the District revised (Revised [redacted content] Letter) after OCR initially contacted the District regarding this case. The Revised [redacted content] Letter states that Social Security cards along with birth certificates are required documents for enrollment, but the reference to Social Security cards includes an adjacent notation in parentheses stating, “Option – State assigned number can be used instead.” OCR also reviewed a copy of a revised new student registration flyer for the [redacted content] school year (Revised Registration Flyer). Under the Revised Registration Flyer section titled, “What is needed for New Student Registration?”, the DPISD listed, “Official Birth Certificate – the birth certificate issued by the state, not the hospital copy” and “Child’s Social Security Card (optional – state assigned number can be used instead).”

OCR also reviewed the Texas Education Agency’s *Student Attendance Accounting Handbook* for the [redacted content] school year (Handbook) to determine what documentation Texas requires for enrollment. According to the Handbook, a parent or other person with legal control of a student who is enrolling a student in a school district has up to 30 days to provide any of the following documents as proof of identity and age: birth certificate; statement of the child’s date of birth issued for school admission purposes by Texas Vital Statistics, a division of the Texas Department of State Health Services; driver’s license; passport; school ID card, records, or report card; military ID; hospital birth record; adoption record; church baptismal record; or any other

legal document that establishes identity. Additional enrollment documentation requirements exist for a student who is under 11 years of age and enrolled in a school for the first time per Article 63.019 of the Texas Code of Criminal Procedure. However, these requirements do not mandate the furnishing of either a Social Security card or a state-issued birth certificate for such a student.

## II. Legal Standard

The Title VI implementing regulations, at 34 C.F.R. § 100.3(b)(1), prohibit recipients from excluding an individual from participation in, denying an individual the benefits of, or otherwise subjecting an individual to discrimination with respect to the services, activities, or privileges provided by the recipient because of the individual's national origin. In considering allegations that a recipient has discriminated based on national origin, OCR looks for evidence of discriminatory intent. Discriminatory intent can be established either through direct evidence (i.e., statements, documents, or actions that clearly evidence a discriminatory intent), or through indirect (also known as circumstantial) evidence (i.e., a set of facts from which one may infer a discriminatory intent). Absent direct evidence that a recipient discriminated based on national origin, OCR applies a disparate treatment analysis under which OCR must determine whether the facts support a *prima facie* case of national origin discrimination. A *prima facie* case exists if a preponderance of the evidence indicates that a recipient treated one person differently than one or more similarly situated persons of another national origin. If a *prima facie* case of different treatment is established, OCR must then determine whether the recipient had a legitimate, non-discriminatory reason for its action(s) that would rebut the *prima facie* case against it. If one or more legitimate, non-discriminatory reasons for the different treatment are identified, OCR must then determine whether the recipient's asserted reasons for its actions are pretext for national origin discrimination. Ultimately, however, the weight of the evidence must support a finding that actual discrimination occurred.

Pursuant to the Title VI regulations, recipient school districts have an obligation to provide equal access to public education, at the elementary and secondary level, to all children residing within the districts. Specifically, as the Supreme Court held in *Plyler v. Doe*, 457 U.S. 202 (1982), a state may not deny access to a basic public education to any child residing in the state, whether present in the United States legally or otherwise (i.e., based on his or her immigration status).

While a recipient may require proof of residency within its boundaries, recipients may not seek such information with the purpose or result of denying access to public schools on the basis of national origin. Further, recipients must ensure that they do not bar students from enrolling in public schools at the elementary and secondary level on the basis of their own citizenship or immigration status, or that of their parents or guardians. The undocumented or non-citizen status of a student, or his or her parent or guardian, is irrelevant to that student's entitlement to an elementary and secondary public education.

### **III. Preliminary Analysis and Proposed Resolution**

OCR has not completed its investigation or reached a determination regarding the allegations it investigated at this time. However, based on the information received thus far and reviewed above, OCR has concerns regarding the District's requests for Social Security cards and other information for enrollment. OCR notes that, during [redacted content], the District apparently amended its policy to accept state-assigned numbers in lieu of Social Security cards and that the District maintains it neither denied enrollment to nor unenrolled any students who failed to provide such cards. However, OCR determined that the District's former policy could have had a chilling effect on non-citizen parents' and guardians' efforts to enroll their children in the District's schools, and thereby resulted in discrimination based on national origin, in violation of Title VI. Similarly, OCR also has concerns regarding the [redacted content] Revised Registration Flyer's indication that the DPISD required state-issued birth certificates to register new students. OCR is concerned that this requirement may have barred or deterred families who did not have such documentation from enrolling their children in the District.

After the investigation of this complaint began, but before OCR reached an investigative compliance determination, the DPISD expressed a desire to voluntarily resolve this complaint. OCR determined that voluntary resolution of this investigation and the related allegations was appropriate pursuant to CPM Section 302.

### **IV. Conclusion**

The DPISD signed and voluntarily submitted the enclosed Resolution Agreement (Agreement) on [redacted content]. The provisions of the Agreement are supported by the evidence obtained during the investigation and are consistent with the applicable statutes and regulations. When fully implemented, the Agreement will address the evidence obtained and all of the allegations investigated. OCR will monitor the implementation of the Agreement until the recipient is in compliance with the terms of the Agreement and the statute and regulations at issue in the case. Upon determining the recipient's compliance, OCR will close the case.

This concludes OCR's investigation of the complaint and should not be interpreted to address the DPISD'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 DPISD may not harass, coerce, intimidate, or discriminate against any individual because the individual filed a complaint or participated in the complaint resolution process. If this happens, the individual 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. If 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.

OCR would like to thank the District for its cooperation throughout OCR's investigation and resolution of this complaint. If you have any questions regarding this letter or the Agreement, please contact Marvin Macicek, the investigator assigned to the complaint, at (214) 661-9636, or at [Marvin.Macicek@ed.gov](mailto:Marvin.Macicek@ed.gov). You may also contact me, at (214) 661-9647, or at [Cristin.Hedman@ed.gov](mailto:Cristin.Hedman@ed.gov).

Sincerely,

Cristin Hedman Sparks  
Supervisory Attorney/Team Leader  
Office for Civil Rights  
Dallas Office

Enclosure: Voluntary Resolution Agreement