



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. Terry B. Grier, Superintendent  
Houston Independent School District  
4400 West 18th St.  
Houston, TX 77092-8501

RE: OCR Complaint No. 06121210  
Houston Independent School District

Dear Superintendent Grier:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its processing of the above referenced complaint, which was received by OCR on February 17, 2012. This complaint was filed against the Houston Independent School District (HISD), Houston, Texas, alleging discrimination on the bases of disability and sex. Specifically, the complaint alleged:

1. Special education students (low functioning, multiple impaired and autistic) at Jack Yates High School (Yates H.S.) were not afforded the same opportunities as regular education students to attend field trips during the 2011-2012 school year as a reward for making Honor Roll.
2. The HISD discriminated against students at Yates H.S. based on their sex (female) by:
  - a. Assigning to girls' sports teams coaches that are unqualified to coach those teams.
  - b. Failing to provide and replace equipment and supplies for girls' sports teams in a timely manner.
  - c. Failing to provide female athletes access to facilities equivalent to access to facilities that is provided to male athletes.
  - d. Failing to provide female athletes practice times equivalent in convenience as is provided to male athletes.

OCR is responsible for determining whether organizations 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 several civil rights laws, including Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex, and Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability. OCR is also responsible for enforcing Title II of the

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

Americans with Disabilities Act of 1990 (Title II) and its implementing regulation 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. Because the HISD is recipient of Federal financial assistance from the Department and is a public school system, this office has jurisdictional authority to process this complaint for resolution under Title IX, Section 504 and Title II.

OCR opened the above allegations to investigate the following issues:

1. Whether the HISD discriminated against students at Yates H.S. based on their disability (low functioning, multiple impaired and autistic) by not providing them the same opportunities as regular education students to attend field trips during the 2011-2012 school year as a reward for making Honor Roll, in violation of Section 504, at 34 C.F.R. § 104.4, and Title II, at 28 C.F.R. § 35.130.
2. Whether the HISD failed to provide male and female athletes at Yates H.S. equivalent equipment and supplies during the 2011-2012 school year, in violation of Title IX, at 34 C.F.R. § 106.41.
3. Whether the HISD failed to provide equivalent scheduling of games and practice times to male and female athletes at Yates H.S. during the 2011-2012 school year, in violation of Title IX, at 34 C.F.R. § 106.41.
4. Whether the HISD failed to provide male and female athletes at Yates H.S. equivalent opportunity to receive coaching and assignment of coaches during the 2011-2012 school year, in violation of Title IX, at 34 C.F.R. § 106.41.
5. Whether the HISD failed to provide male and female athletes at the Yates H.S. equivalent access to locker rooms and practice and competitive facilities during the 2011-2012 school year, in violation of Title IX, at 34 C.F.R. § 106.41.

With regard to the Section 504 and Title II allegation, OCR reviewed student educational records and honor roll documentation, and conducted interviews of HISD employees and a parent. OCR found evidence that an HISD teacher made a unilateral decision that XXXX students with disabilities (XXXX XXXX XXXX XXXX) should not go on field trips (as an award for making Honor Roll) to a local restaurant with other Honor Roll students due to their disabilities. The teacher made this decision believing that they would not respond well in such a setting, although their individual education plans did not indicate limitations on their ability to participate in field trips.

With regard to the Title IX allegations, OCR conducted an onsite inspection (October 3-5, 2012) of Yates H.S. athletics' equipment, supplies and facilities and interviewed District employees and Yates H.S. athletes. OCR found evidence that the female athletes' locker room was often locked during school hours with no one available to unlock it, while there were no reported problems gaining access to the boys' locker rooms. Additionally, while most locker rooms at Yates H.S. were in poor to

adequate condition, the varsity boys' basketball team's locker room was of a much higher quality due to a Nike-sponsored remodeling of it in 2010, which included custom paint and décor. The evidence also showed that no female athletes were scheduled to have an Athletics period during the 2011-2012 school year, although male athletes (basketball and football) were provided an Athletics period. Further, the evidence indicated that, while most athletic teams were provided equipment and supplies of adequate-to-poor condition and quality, both the girls' track team and the boys' basketball team were provided new equipment and supplies.

While OCR was in the process of obtaining additional data that would assist OCR in determining, on the whole, whether there were significant disparities in the quality or availability of equipment and supplies, the quality of the locker rooms, in compensation of coaches, and the assignment of coaches, the HISD expressed a desire to voluntarily resolve the complaint. Consistent with Section 302 of OCR's Complaint Processing Manual, which allows a complaint to be resolved when a recipient expresses an interest in resolving the complaint before the conclusion of an investigation, the HISD submitted the attached Resolution Agreement (Agreement) on June 2, 2014, which OCR has determined addresses the compliance issues alleged in the complaint and which, when fully implemented, will resolve 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 implementation of the Agreement by the HISD to determine whether the commitments made by the HISD have been implemented consistently with the terms of the Agreement. If the HISD fails to implement the Agreement, as specified, OCR will resume its investigation of the above issues. If the HISD determines a need to modify any portion of the Agreement, the HISD may submit, for consideration, proposed revisions to 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.

Under OCR procedures we are obligated to advise the complainant and the institution against which a complaint has been filed that intimidation or retaliation against a complainant is prohibited by regulations enforced by this agency. Specifically, the regulations enforced by OCR, directly or by reference, state that no recipient or other person shall intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by the regulations enforced by OCR or because one has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding, or hearing held in connection with a complaint.

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.

OCR appreciates the cooperation and assistance of the HISD in coordinating the complaint resolution activities. If you have questions or concerns, please contact Tiffany Gray, the assigned investigator, at (214) 661-9611 or Gregory McGhee, Team Leader at (214) 661-9600.

Sincerely,

Taylor D. August, Director  
Office for Civil Rights  
Dallas Office

Enclosure