



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

REGION VI  
ARKANSAS  
LOUISIANA  
MISSISSIPPI  
TEXAS

August 20, 2014

Re: OCR Docket # 06141253

Mr. Kevin Worthy, Superintendent  
Royse City Independent School District  
810 Old Greenville Road/P.O. Box 479  
Royse City, TX 75189

Dear Mr. Worthy:

This letter is to inform you of the determination of the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, regarding the resolution of the above-referenced complaint filed against the Royse City Independent School District (RCISD or the District), which OCR received on February 26, 2014. The complainant alleged that RCISD discriminates against Hispanic students by requiring proof that they reside in the District.

OCR is responsible for determining whether entities that receive or benefit from Federal financial assistance, either from the Department or from an agency that has delegated investigative authority to the Department (recipients), are in compliance with 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 grounds of race, color, and national origin.

The regulation implementing Title VI, at 34 C.F.R. § 100.3(a) and (b), prohibits 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 race, color, or national origin. Specifically, the Title VI implementing regulation, at 34 C.F.R. § 100.3(b)(2), provides that,

[I]n determining the types of services, financial aid, or other benefits . . . which will be provided under any such program, or the class of individuals to whom, or the situations in which, such services, financial aid, [or] other benefits . . . will be provided under any such program, or the class of individuals to be afforded an opportunity to participate in any such program, [recipients] may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin . . . .

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

In considering allegations that a recipient has discriminated on the basis of race, 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 on the basis of race, color, or national origin, OCR applies a disparate treatment analysis under which OCR must determine whether the facts support a *prima facie* case of 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 race, color, or 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 discrimination. Ultimately, however, the weight of the evidence must support a finding that actual discrimination occurred.

Pursuant to the Title VI regulation and OCR policy, 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 United States Supreme Court held in the case of *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. Accordingly, the recent Department of Justice/Education *Dear Colleague* letter (May 8, 2014) (DCL) states that, although a district may require proof of residency within the district, districts may not seek such information “with the purpose or result of denying access to public schools on the basis of race, color, or national origin,” and “must ensure that students are not barred 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.” As the DCL explains, “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.”

OCR opened this complaint for investigation because we determined that the complainant’s allegation, if proven true, would constitute national origin discrimination in violation of Title VI. Specifically, OCR opened an investigation of the following legal issue:

1. Whether RCISD discriminates against Hispanic students on the basis of race/national origin by treating them differently than similarly situated students of other races/national origins in requiring proof that they reside in the District, in violation of Title VI, at 34 C.F.R. § 100.3.

During its investigation, OCR reviewed documents provided by RCISD, as well as information obtained during OCR interviews with RCISD staff.

The complainant did not identify, and OCR did not discover during the investigation, any direct evidence of discriminatory intent; as a result, OCR applied a disparate treatment analysis. OCR determined that the District articulated a legitimate, non-discriminatory reason for requesting proof of residence for the family to whom the complainant leases her property, namely, it seeks proof of residency from all students in accordance with RCISD policy to ensure that, with only limited exceptions, its education services are enjoyed only by residents of the District. Moreover, OCR determined that the evidence did not indicate that Hispanic students and their parent(s)/guardian(s) are treated differently than any similarly situated students of other races/national origins when seeking to enroll in the District. OCR further determined that no statistical disproportionality existed with regard to the District's requests for proof of residency; on the contrary, OCR determined that RCISD requests proof of residency from any and all students who seek to enroll. With regard to the complainant's allegation that RCISD did not seek proof of residency from the Caucasian family to which she leased property, OCR could not verify her account without an unauthorized disclosure of personally identifiable information to the District, because the complainant did not return a signed consent form. Therefore, OCR could not establish that this family, or any other family, was exempted from the District's proof of residency requirements. Accordingly, OCR determined that insufficient evidence exists to substantiate the complainant's allegation that RCISD discriminates against Hispanic students on the basis of race/national origin by treating them differently than similarly situated students of other races/national origins in requiring proof that they reside in the District.

However, as noted above, OCR determined during the course of its investigation that, at the time the complaint was filed, RCISD required parents/guardians to produce a Texas driver's license or DOT identification card when seeking to enroll a student in the District. OCR further determined that, according to Texas Department of Transportation policy, in order to obtain either of these forms of identification, an individual must demonstrate lawful presence in the United States. At the time of the complaint, this requirement was published on the District's website, and a District employee informed OCR that there were no exceptions to this requirement. After OCR conducted interviews with District employees in May 2014, RCISD amended its policy on its website to state that, "[o]ther photo ID, including but not limited to, a valid passport, will be accepted if the parent/guardian is not a licensed driver or has not obtained a TXDOT ID card." RCISD also informed OCR that it would instruct District staff to accept any "other" forms of identification as they would a driver's license, and then consult with the central office if they have any questions or concerns about the documentation provided. Although RCISD has amended its policy regarding the documents required to demonstrate proof of residency, OCR determined that RCISD's former policy could have barred the enrollment of non-citizen students or the children of non-citizen parents/guardians, or had a chilling effect on non-citizen parents'/guardians' efforts to enroll their children in the District's schools, and thereby resulted in discrimination based on race/national origin, in violation of Title VI.

After OCR commenced its investigation, but before OCR reached an investigative compliance determination, RCISD expressed a desire to voluntarily resolve the

complaint. RCISD submitted the enclosed Resolution Agreement (Agreement) dated August 14, 2014, to memorialize the steps that it will take to resolve the compliance issues raised by the complaint. OCR has determined that the Agreement, when fully implemented, will satisfactorily resolve the compliance issues raised by the complaint. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this complaint; however, OCR will actively monitor RCISD's efforts to implement the Agreement. Please be advised that if RCISD fails to adhere to the actions outlined in the Agreement, OCR will immediately resume its compliance efforts.

This concludes OCR's investigation of the complaint and should not be interpreted to address RCISD's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. The complainant has been notified of this action.

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 RCISD 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, the complainant 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.

Thank you for the cooperation that you and your staff extended to OCR in our efforts to resolve this complaint. If you have any questions regarding this letter, please contact Justin T. Evans, Team Leader, at (214) 661-9600.

Sincerely,

Taylor D. August  
Director  
U.S. Department of Education  
Office for Civil Rights, Dallas Office

Enclosure