



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

REGION VI  
ARKANSAS  
LOUISIANA  
MISSISSIPPI  
TEXAS

September 6, 2013

Re: 06131317

Mr. Damon Hewitt, obo Brazos County NAACP and Texas Appleseed  
NAACP Legal Defense & Educational Fund, Inc.  
99 Hudson Street, Suite 1600  
New York, NY 10013

Dear Mr. Hewitt:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its evaluation of your complaint, received on February 20, 2013, against the Bryan Independent School District (BISD), in Bryan, Texas. Your complaint alleges discrimination on the basis of race (African-American). Specifically, you allege that the BISD's discipline policy regarding the issuance of Class C misdemeanor tickets for "disruption of class" and "disorderly conduct – language" by School Resource Officers (SROs), has a disparate impact on African-American students and thus, discriminates on the basis of race.

This agency is responsible for determining whether entities that receive or benefit from Federal financial assistance from the Department of Education, or an agency that has delegated investigative authority to this Department, 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 prohibits discrimination on the basis of race, color, or national origin. The BISD receives Federal financial assistance from the Department. Therefore, OCR has jurisdictional authority to process this complaint for resolution under Title VI.

Because OCR has determined that it has jurisdiction and that the complaint was timely filed, we are opening the allegation for investigation. Please note that opening the allegation for investigation in no way implies that OCR has made a determination with regard to its merit. During the investigation, OCR is a neutral fact finder, collecting and analyzing relevant evidence from the complainant, the recipient and other sources, as appropriate. OCR will ensure that the investigation is legally sufficient and is dispositive of the allegation, in accordance with the provisions of Article III of OCR's Case Processing Manual.

OCR will investigate the following issue:

Whether the BISD subjects African-American students to discrimination on the basis of race through its administration of disciplinary policies and procedures that allow for the issuance of Class C misdemeanor tickets by SROs for 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.*

disciplinary infractions of “disruption of class” and “disorderly conduct – language,” in violation of Title VI and its implementing regulation at 34 C.F.R. § 100.3.

OCR has notified the BISD of the allegation that OCR is opening and the issue to be investigated. Please note that OCR’s case resolution processes includes Early Complaint Resolution (ECR). ECR allows the parties (the complainant and the institution which is the subject of the complaint) an opportunity to resolve the complaint allegations quickly; generally, soon after the complaint has been opened for investigation although ECR may take place at any time during the investigative process. If both parties are willing to try this approach, and if OCR determines that ECR is appropriate, OCR will facilitate settlement discussions between the parties and work with the parties to help them understand the legal standards and possible remedies. Please let me know if you are interested in ECR.

Under OCR procedures, we are obligated to advise you and the institution against whom a complaint is 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 regulations enforced by OCR or because one has made a complaint, testified, assisted or participated in any manner in an investigation, proceedings 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, 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 regarding this letter, you may contact Timothy D. Caum, Attorney, at 214-661-9648, or me at 214-661-9600.

Sincerely,

A handwritten signature in black ink, appearing to read "Adriane P. Martin".

Adriane P. Martin  
General Supervisory Attorney/Team Leader  
Dallas Office