



U.S. Department of Justice
Civil Rights Division



U.S. Department of Education
Office for Civil Rights

July 9, 2014

Ms. Jennifer Coco, Esq.
Katie Schwartzmann, Director - Louisiana Office
Southern Poverty Law Center
4431 Canal Street
New Orleans, Louisiana 70119

(DOJ Case No. 169-32-72, OCR Case No. 06-12-1539)

Dear Ms. Coco:

This is to advise you of the resolution of the complaints received in August and November 2012 (the "Complaints") by the U.S. Department of Justice, Civil Rights Division ("DOJ") and the U.S. Department of Education, Office for Civil Rights ("OCR") (jointly, the "United States") against the Jefferson Parish Public School System ("JPPSS" or the "District"). The United States initiated an investigation to examine: (1) the District's policies and practices regarding the documentation needed for student registration, enrollment, and graduation; (2) whether the District provides national origin-minority parents who have limited proficiency in English (LEP) with information provided to other parents in a language they understand; and (3) whether the District failed to take prompt and effective action to respond to harassing conduct creating a hostile environment for Latino students based on national origin, of which the District knew or should have known.

DOJ enforces Title IV of the Civil Rights Act of 1964, 42 U.S.C. § 2000c-6 ("Title IV"), which prohibits discrimination in public schools against students based on race, color, sex, religion, and national origin, and the Equal Educational Opportunities Act, 20 U.S.C. § 1703(f), ("EEOA"), which requires state and local educational agencies to take appropriate action to overcome language barriers that impede equal participation by all students in instructional programs. OCR enforces Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.* ("Title VI"), which prohibits discrimination based on race, color, or national origin by programs or activities that receive federal financial assistance from the Department of Education.¹

On May 8, 2014, DOJ and the U.S. Department of Education jointly released a Dear Colleague Letter, which provides guidance regarding permissible means by which school districts may verify student age, residency, and immunization status without chilling or

¹ DOJ also enforces Title VI with respect to recipients of federal financial assistance from DOJ, upon referral from another federal funding agency, or through intervention in an existing lawsuit.

discouraging student enrollment based on national origin or immigration status. The Dear Colleague Letter emphasizes that while school districts may establish documentation requirements relating to verification of a student's age, residency and immunizations, school districts must ensure that they do not discriminate on the basis of race, color, or national origin, and that students are not barred or discouraged from enrolling in public schools at the elementary or secondary level on the basis of their citizenship or immigration status or that of their parents or guardians. A school district may not deny enrollment to a student if he or she (or his or her parent or guardian) chooses not to provide a social security number. *See* Privacy Act of 1974, Pub. L. No. 93-579, § 7, 5 U.S.C. § 552a (note), available at http://www.ssa.gov/OP_Home/comp2/F093-579.html. If a district chooses to request a social security number, it shall inform the individual that the disclosure is voluntary, provide the statutory or other basis upon which it is seeking the number, and explain how it will be used. *Id.*

With respect to communication with LEP parents, Executive Order 13166, Improving Access for Persons with Limited English Proficiency, reprinted at 65 Fed. Reg. 50121 (August 16, 2000), required that recipients of Federal financial assistance "take reasonable steps to ensure meaningful access to their programs and activities by LEP persons." In its Policy Guidance, Enforcement of Title VI of the Civil Rights Act of 1964 - National Origin Discrimination Against Persons With Limited English Proficiency (June 18, 2002), DOJ provides guidance to recipients of Federal financial assistance from DOJ about the method and manner (including translation and interpretation) for delivering information to LEP persons. Pursuant to its authority under Title VI, OCR earlier issued a memorandum to school districts on May 25, 1970, entitled "Identification of Discrimination and Denial of Services on the Basis of National Origin," 35 Fed. Reg. 11595, which provides that recipients have the responsibility to adequately notify national-origin minority LEP parents of school activities that are called to the attention of other parents, and, to be adequate, such notice may have to be provided in a language other than English.

Harassment on the basis of race, color, or national origin is a form of prohibited discrimination. To determine whether a hostile environment based on race, color, or national origin exists, the United States considers whether there was harassing conduct that was sufficiently severe, pervasive or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the services, activities, or privileges provided by a school. If a hostile environment based on race, color, or national origin exists, and a school has notice of the hostile environment, then the school is required to take appropriate responsive action.

According to the 2011 - 2012 Civil Rights Data Collection, the District has a total of 88 schools (which includes charter schools, advanced study programs, magnet programs, and alternative schools), and 45,914 students with the following demographic breakdown: 45.6% Black; 16.6% Hispanic or Latino; 29.8 % White; 0.9% American Indian/Alaska Native; 4.8% Asian; 0.3% Native Hawaiian/Other Pacific Islander; and 2.1% two or more races. The major languages spoken by LEP parents in the District include Spanish, Arabic and Vietnamese. As part of its investigation, the United States obtained and reviewed extensive data from the District, and from May 6, 2013 through May 10, 2013, the United States visited the District's central office, several high schools, middle schools, and elementary schools and conducted interviews with District administrators, faculty, staff, and students.

Prior to the conclusion of the investigation, the District expressed an interest in voluntarily resolving this matter and entered into a Resolution Agreement (“Agreement”) pursuant to which the District will take specific actions. During the course of subsequent discussions, the District took several steps to address certain issues in the United States’ investigation, including revising its parish-wide policies and procedures regarding student registration and enrollment and improving communications with LEP students and parents. The discussions with the District resulted in the District signing the enclosed Agreement which, when fully implemented, will resolve the issues identified in the Complaints. The Agreement is aligned with the Complaints’ allegations and with the information obtained during the United States’ investigation. Additionally, the Agreement is consistent with the applicable regulations and statutes. As a result of the Agreement, the United States is not issuing compliance determinations regarding the Complaints.

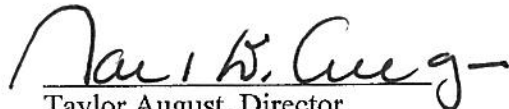
Under the Agreement, the District will take all reasonable steps to ensure that: (1) District policies and procedures do not request information from parents or students with the purpose or result of denying or limiting access to public schools on the basis of race, color, or national origin; (2) District policies and procedures ensure that national origin minority LEP parents are notified, in a language understood by such parents, of school activities, information and matters that are called to the attention of other parents; (3) that all students in the District are not subjected to harassment or discrimination on the basis of race, color or national origin, and that the District responds promptly and appropriately to all reports of harassment. The District will provide annual compliance reports to the United States, and the United States will monitor the District’s implementation of the Agreement.

This letter addresses only the issues listed above and should not be interpreted to address the District’s compliance with any other regulatory provision to address any issues other than those addressed in this letter. This letter sets forth OCR’s determination in the specific Complaints. This letter is not a formal statement of OCR or DOJ policy and should not be relied upon, cited, or construed as such. OCR’s and DOJ’s formal policy statements are approved by a duly authorized OCR or DOJ official and made available to the public.

Please be advised that the District 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.

If you have any questions regarding this letter, you may contact OCR attorney, Sakina Vidacak, at (214) 661-9628, or DOJ trial attorney, Jonathan Newton, at (202) 307-6475.

Sincerely,



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



Anurima Bhargava, Chief
U.S. Department of Justice
Civil Rights Division
Educational Opportunities Section