



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

REGION VI  
ARKANSAS  
LOUISIANA  
MISSISSIPPI  
TEXAS

December 10, 2013

Ref#:06131496

Ms. Jennifer Coco  
Staff Attorney  
Southern Poverty Law Center  
4431 Canal Street  
New Orleans, LA 70119

Dear Ms. Coco:

On May 1, 2013, the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, received your complaint filed against the Jefferson Parish Public School System (JPPSS). You allege that JPPSS discriminates against students who are English language learners (ELL) based on national origin (Hispanic) by failing to provide them with equal educational opportunities. Specifically, you allege that, during the 2012-2013 school year, JPPSS failed to provide ELL students with equal education opportunities by: (1) not employing sufficient qualified staff to effectively implement its language program; (2) exiting ELL students based only on their speaking ability (not their reading or writing ability), (3) failing to appropriately monitor students that have exited the program, and; (4) decentralizing oversight of the language program from administrators "with specialized knowledge of district and federal ESL requirements" to principals who are ill-equipped to implement ESL program at their schools. As a consequence, you informed OCR that ELL students are failing to make yearly progress and are struggling academically on standardized tests.

This agency is responsible for determining whether organizations that receive or benefit from Federal financial assistance, either from the Department or from an agency that has delegated investigative authority to the Department, are in compliance 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. Title VI prohibits discrimination on the bases of race, color, and national origin. OCR has determined that JPPSS is a recipient of 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 filed timely, it is opening Allegations #1-#3 for investigation. Please note that opening Allegations #1-#3 for investigation in no way implies that OCR has made a determination in regard to their merit. During the investigation, OCR is a neutral fact-finder, collecting, and analyzing relevant evidence from the complainant, the recipient, and other sources,

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

as appropriate. OCR will ensure that its investigation is legally sufficient and is dispositive of the allegations, in accordance with the provisions of Article III of OCR's *Case Processing Manual*.

Regarding Allegation #1, in accordance with OCR's case processing procedures, a complaint that raises allegations substantially identical to allegations previously raised in an existing complaint against the same recipient may be incorporated into the existing complaint. After carefully reviewing your complaint, OCR has determined that Allegation #1 is substantially identical to the allegation raised in another OCR complaint (OCR complaint #06121511) currently being investigated by this office. Consequently, OCR is incorporating Allegation #1 into the aforementioned, unresolved complaint, effective the date of this letter. A copy of OCR's latest notification letter in connection with complaint #06121511 will be provided to you via separate cover.

Based on Allegations #2 and #3, OCR will pursue the following legal issues for investigation:

Whether JPPSS failed to provide equal educational opportunities to national origin language-minority students who are English language learners (ELLs) with respect to the placement and exiting of ELL students, in violation of Title VI, at 34 C.F.R. § 100.3.

As to Allegation #4, Title VI does not prohibit a recipient from decentralizing its oversight of the delivery of language services from the district level to the principal level. Further, Title VI does require that a person who oversees the program have any specialized knowledge. OCR has determined that the information that you provided, even if true, does not constitute a failure to provide equal educational opportunities to national origin language-minority students who are ELL or otherwise give rise to a violation of Title VI. Therefore, OCR will take no further action as to Allegation #4. Please note that OCR will investigate the knowledge of the persons delivering/implementing the language services in connection with Allegation #1.

Please note that OCR is investigating your complaint under Title VI and not under the Equal Educational Opportunities Act (EEOA). A review of the documentation that you submitted to OCR shows that you have also expressed your concerns under the EEOA to the proper Federal agency (U.S. Department of Justice-Civil Rights Division-Educational Opportunities Section).

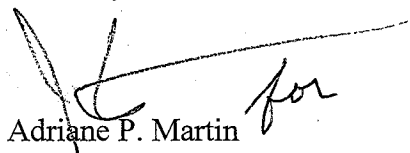
Please note that OCR's case resolution processes include Early Complaint Resolution (ECR). ECR allows the parties (the complainant and the institution that is the subject of the complaint) an opportunity to resolve the complaint allegations quickly; generally, soon after the complaint has been opened 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 contact Mr. Jose Ortiz, the OCR attorney-investigator assigned to this case, if you are interested in using the ECR process.

Under OCR procedures, we are obligated to advise complainants and the institutions against which complaints are 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, 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.

If you have any questions regarding this letter, you may contact Jose Ortiz, attorney/investigator, at 214-661-9643 or me at 214-661-9600.

Sincerely,

A handwritten signature in black ink, appearing to read 'AM for', is written over a horizontal line.

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