



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

REGION IX
CALIFORNIA

50 UNITED NATIONS PLAZA
MAIL BOX 1200; ROOM 1545
SAN FRANCISCO, CA 94102

September 20, 2016

Mr. Darin Brawley
Superintendent
Compton Unified School District
501 S. Santa Fe Avenue
Compton, California 90221-3814

(In reply, please refer to case no. 09-15-1401.)

Dear Superintendent Brawley:

The U.S. Department of Education, Office for Civil Rights, has completed its investigation of the above referenced complaint against the Compton Unified School District (District). The Complainant¹ alleged discrimination on the basis of national origin. Specifically, OCR investigated the following issues.

1. Whether the District failed to provide LEP parents with important information in their primary or home language both written and oral, when such information is provided to English-speaking parents; and
2. Whether the District failed to provide the Complainant with documents regarding her daughter's (Student) injury as well as information regarding reclassification of her children in her home language.

OCR investigated the complaint under the authority of Title VI of the Civil Rights Act of 1964 and its implementing regulation. Title VI prohibits discrimination on the bases of race, color, or national origin by recipients of Federal financial assistance. The District receives funds from the Department and is subject to Title VI and the regulation.

To investigate this case, OCR interviewed the Complainant, District administrators, and reviewed documentation provided by the Complainant and District. After a careful review of the information gathered in the investigation, OCR concluded that there was sufficient evidence to support a finding of non-compliance with Title VI with regard to the issues investigated. The District has entered into a resolution agreement with OCR which, when fully implemented, is intended to address the areas of non-compliance raised by the issues investigated. The

¹ OCR previously notified the District of the identities of the Complainant and the Student. OCR is not including their names here to protect their privacy.

applicable legal standards, the relevant facts gathered, and the reasons for OCR's determinations are summarized below.

Legal Standards

The Title VI implementing regulations, at 34 C.F.R. §100.3(a) and (b), provide that a recipient of Federal financial assistance may not, directly or through contractual or other arrangements, on the ground of race, color or national origin, exclude persons from participation in its programs, deny them any service or benefits of its programs, or provide any service or benefit which is different or provided in a different manner from that provided to others.

On May 25, 1970, pursuant to its authority under Title VI, the Department of Education issued a memorandum entitled "Identification of Discrimination and Denial of Services on the Basis of National Origin," 35 Fed. Reg. 11,595. The memorandum clarified OCR policy under Title VI regarding the responsibility of school agencies to provide equal educational opportunity to limited English proficient national origin minority students. It states that school districts must take affirmative steps to address the language needs of limited English proficient students (English learners).

Finally, the May 25th memorandum states that school districts must adequately notify national origin minority group parents of information that is called to the attention of other parents, and that such notice may have to be provided in a language other than English in order to be adequate. OCR analyzes this issue consistent with the U.S. Department of Justice (DOJ) "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" (67 Fed.Reg. 41,455, June 18, 2002). Under the DOJ Guidance, the extent of a recipient's obligation to provide language assistance to limited English proficient (LEP) individuals is determined by balancing four factors: 1) the number or proportion of LEP individuals likely to encounter the program; 2) the frequency with which LEP individuals come in contact with the program; 3) the nature and importance of the services provided by the program; and 4) the resources available to the recipient.

On January 7, 2015, OCR issued guidance with the DOJ that clarifies a District's obligation to provide services to English language learners including the obligation to ensure meaningful communication with LEP parents in a language they can understand and to adequately notify LEP parents of information about any program, service, or activity, that is brought to the attention of non-LEP parents.

The following are factual findings relevant to OCR's determination regarding both issues investigated.

- At the time of the complaint, the Complainant had a X year old daughter attending the School. The Complainant and her husband speak Spanish and are limited in English proficiency. They need interpreter and translation services for all interactions with the

School, such as meetings with the Principal and parent-teacher conferences. In addition, the Complainants assert that all documents need to be translated including letters, progress notes, report cards, field trip notices, etc.

- The Complainant stated that she has requested interpreters for parent-teacher conferences and other school events and has sometimes been told that for high volume events, such as back-to-school nights, the School would not be able to provide interpreters. The Complainant stated that the principal's secretary speaks Spanish and she is sometimes used as an interpreter. Since the School does not always provide interpreters for parent-teacher conferences or meetings with the principal, the Complainant has to bring her own interpreter.
- Approximately 22,000 students are enrolled in the District, about 65% of whom speak Spanish at home.
- There is no District policy and/or procedure for communicating with parents who are limited English proficient (LEP). The District uses bilingual staff to translate documents when necessary.
- In February 2015, the Complainant requested that the District provide her with information regarding the reclassification process (reclassifying English learner students to Fully English Proficient status). According to the Complainant, the Curriculum Specialist informed her that he could only provide her the information in English because no forms were available in Spanish at the School at that time. While the Curriculum Specialist informed the Complainant that he would provide her with a copy of the Spanish version of the reclassification information at a later date, he never did so.
- On May X, 2015, the Complainant's daughter was injured at school. On May X, 2015, the Complainant, her husband, and her eldest son went to the School to speak to the principal about the May XXX incident. The Complainant brought her son, who is a high school student in the District, to interpret for her husband and her. The Complainant stated that she asked the principal to investigate the incident and provide her with a written explanation in Spanish of what occurred.
- On May 7, 2015, the principal sent the Complainant a letter advising her of the results of the May XXX investigation. The letter was sent in English. The Complainant stated that she advised the principal that the letter needed to be translated into Spanish. The principal did not provide a translated copy of the letter to the Complainant.
- On or about May 18, 2015, the Complainant filed a complaint using the District's Uniform Complaint Procedure (UCP) form. In the complaint, which was in Spanish, she requested a translation of the investigation regarding the Student's injury on May XXX. The District did

not respond to the Complainant's May 18 complaint or translate the principal's May 7 letter.

- From March 2015 through November 2015, the Complainant filed several complaints with the District alleging non-discrimination related issues. The District responded to some of her complaints in Spanish and some of her complaints only in English. During the same period of time the Complainant received correspondence from the School principal in English regarding issues about her daughter's attendance.
- On November 4, 2015, the Assistant Superintendent of Educational Services responded to the one of the Complainant's UCP complaints in Spanish acknowledging that the principal's notice that was sent to the Complainant was sent in English amongst other errors and apologized. In addition, the District advised the Complainant that they would send all future correspondence in English and Spanish. The District advised the Complainant that the School has a bilingual Communications Relations Specialist to ensure translation is always available.
- The principal no longer works at the School or in the District.

Analysis

Title VI requires that school districts ensure meaningful communication with LEP parents in a language they can understand, and that they adequately notify LEP parents of information that is brought to the attention of non-LEP parents. This essential information includes information regarding programs for EL students, grievance procedures, and parent-teacher conferences. Districts must translate such information into languages spoken by large numbers of parents; they must also provide interpreters where needed to enable parents to communicate effectively with school personnel about matters involving their students. School districts should provide trained interpreters at such meetings and may not rely on students, siblings, friends, or untrained school staff to translate or interpret for parents.

OCR found that the majority of the parents in the District speak Spanish. Consistent with the requirements of Title VI, the District is required to respond in Spanish to UCP complaints that are filed by Spanish-speaking parents who are not proficient in English, to provide translation of other important documents for parents, and provide interpreter services for parents to communicate with School site staff who do not speak Spanish.²

Based upon a review of the documents provided by the Complainant and the District, OCR found that on multiple occasions the District failed to ensure that important information was

² In a separate case, Case No. 09-15-1149, OCR is currently monitoring the District's implementation of an action plan to ensure that the District responds to UCP, Williams, and other complaints that are filed by Spanish-speaking parents in their primary language.

provided to the Complainant in a language that she understood. While the District communicated to the Complainant that a bilingual Communications Relations Specialist is supposed to ensure that translation services are provided to LEP parents, this did not consistently occur for the Complainant. For example, the District did not consistently provide translated responses to the Complainant's formal complaints, even though her complaints were filed in Spanish. OCR is currently monitoring implementation of a systemic remedy regarding the District's obligation to respond to complaints in a language that complainants can understand in a separate case.

Even after the District acknowledged that the principal had sent home a notice to the Complainant in English and apologized for failing to translate it, subsequent notices from the principal continued to be provided to the Complainant in English. For example, the principal provided an explanation to the Complainant regarding what transpired when her daughter XXXXX XXX XXX, only in English, despite the Complainant's known status as a limited English proficient parent. Similarly, the District did not provide information in Spanish regarding the reclassification process for the Complainant. Additionally, the District did not identify any other bilingual staff members at the School who are responsible for providing adequate interpreter services at the School. The Complainant stated that the Office Secretary is bilingual, but she is not always available to interpret for the Complainant. As a result, the Complainant informed OCR that she did not have interpreter services for parent-teacher conferences and that when her daughter XXXXX XXX XXX, the Complainant's older son provided the interpreter services.

In a separate OCR case, the District described the process for providing interpretation and translation services for LEP parents which OCR found to be ad hoc and unreliable. The process described that on an as-needed basis, the District would translate documents. There is no District-level person that ensures that at School sites, appropriate documents are translated or interpreter services are provided.

Conclusion

Based on the foregoing, OCR found sufficient evidence that the District failed to comply with Title VI with regard to the issues investigated in this case. When fully implemented, the resolution agreement is intended to address all of OCR's compliance concerns in this investigation. OCR will monitor the implementation of the agreement until the District is in compliance with Title VI and its implementation regulations that were at issue in this case.

This concludes OCR's investigation of the complaint and should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. OCR is closing the investigation of this complaint as of the date of this letter and notifying the Complainant concurrently.

This letter sets forth OCR's determinations in an individual OCR case. It 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 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 complainants 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, it will seek to protect, to the extent provided by the law, personal information that, if released, could reasonably be expected to constitute an unwarranted invasion of privacy. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Thank you for your cooperation in resolving this case. If you have any questions regarding this letter, please contact Nefertiti Sadat, Civil Rights Investigator, at (415) 486-5550.

Sincerely,

/s/

Katherine Riggs
Acting Team Leader

Enclosure