



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

230 SOUTH DEARBORN ST., 37TH FLOOR
CHICAGO, IL 60604

REGION V
ILLINOIS
INDIANA
IOWA
MINNESOTA
NORTH DAKOTA
WISCONSIN

March 8, 2022

Dr. Danielle Scott
District Administrator
Pecatonica Area School District
704 Cross Street
Blanchardville, WI 53516

Sent via email only to: dscott@pecatonica.k12.wi.us

OCR Case No. 05-21-1074

Dear Dr. Scott:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its investigation of the complaint filed on January 7, 2021, against the Pecatonica Area School District (District). The complaint alleges that during the 2020-2021 school year, the District discriminated against Student A, XXXXXXXXXXXXXXX, on the basis of national origin (XXXXXX) when it failed to provide her with appropriate English Learner (EL) services.

OCR is responsible for enforcing Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d – 2000d-7, and its implementing regulation, 34 C.F.R. Part 100. Title VI prohibits discrimination on the basis of race, color, or national origin by recipients of Federal Financial Assistance (FFA). Title VI also prohibits retaliation. As a recipient of FFA from the Department, the District is subject to Title VI. Additional information about the laws OCR enforces can be found at www.ed.gov/ocr.

OCR investigated the complaint by interviewing the Complainant and District staff. OCR also reviewed documents submitted by the Complainant and the District. OCR finds by the preponderance of the evidence that the District violated Title VI by not appropriately addressing Student A's needs as an EL student, including by failing to review and determine the appropriate services for Student A, and by not monitoring her progress to determine whether the services were successful in meeting the responsibilities and program goals set by the District in Student A's XXXXXXXXXXXXXXX.

Applicable 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

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

Student A transferred to the District at the start of the XXXXXXXXXXXXXXXXXXXX. During the 2019-2020 school year, Student A was enrolled as a XXXXXXXXXXXXXXXXXXXX student at XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX. The Principal told OCR that there are approximately 400 students in the District. Student A was XXXXXXXXXXXXXXXXXXXX.

The Complainant told OCR that he met with the Principal sometime in October 2019 to discuss Student A's status as an EL student. The Complainant stated that during that meeting, the Principal acknowledged that he received Student A's file from XXXXXXXXXXXXXXXXXXXX, including Student A's XXXXXXXXXXXXXXXXXXXX. The Complainant also told OCR that the Principal stated he planned to share Student A's XXXXXXXXXXXXXXXXXXXX with her teachers. The Complainant stated that he inquired about additional EL services for Student A and specifically asked for XXXXXXXXXXXXXXXXXXXX. The Complainant also informed OCR that he requested Student A XXXXXXXXXXXXXXXXXXXX, but Student A XXXXXXXXXXXXXXXXXXXX. The Principal told OCR that Student A XXXXXXXXXXXXXXXXXXXX.

The Principal told OCR that he XXXXXXXXXXXXXXXXXXXX but he could not recall the exact date. He explained that the District did not develop XXXXXXXXXXXXXXXXXXXX for Student A and did not conduct any other type of evaluation but XXXXXXXXXXXXXXXXXXXX. The Principal acknowledged that Student A XXXXXXXXXXXXXXXXXXXX.

The Principal told OCR that the District did not assign a specific staff member to be responsible for tracking Student A's individual progress XXXXXXXXXXXXXXXXXXXX. XXXXXXXXXXXXXXXXXXXX. The Principal told OCR that the staff provided Student A XXXXXXXXXXXXXXXXXXXX. The District also provided OCR with statements from Student A's XXXXXXXXXXXXXXXXXXXX.

The School Psychologist told OCR that during the 2019-2020 school year, she was unaware if the District had a formal assessment or evaluation process in place for EL students. The School Psychologist stated that she believed home language surveys were made available to the parents when a student was initially enrolled in the District, but she was not aware if Student A's parents completed a home language survey.¹ The School Psychologist told OCR that the Principal first reached out to her to discuss Student A in February 2020. The Principal told her that Student A was an EL student XXXXXXXXXXXXXXXXXXXX. The Principal also told the School Psychologist that he had shared Student A's XXXXXXXXXXXXXXXXXXXX. The School Psychologist told OCR that XXXXXXXXXXXXXXXXXXXX. The School Psychologist also stated to OCR that there was no specific staff member responsible for tracking and documenting Student A's progress XXXXXXXXXXXXXXXXXXXX and stated that no direct EL services were provided to Student A from the District, rather the

¹ The District provided OCR with a copy of the home language survey Student A's parent completed on August 16, 2019, when they enrolled Student A in the District. The survey indicated that Student A spoke a language other than English in the home and on a regular basis and was currently receiving EL services.

services provided to Student A XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX. The School Psychologist told OCR that she believed XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX.

The Principal and School Psychologist told OCR that they did not know XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX. OCR's review of the documents provided by the District revealed that the District was not tracking or measuring Student A's progress and did not keep summaries or write-ups of what services were provided to Student A. The teachers' notes provided by the District list some dates XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX, but do not track her progress. The Principal told OCR that XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX. The District did not provide OCR with documentation of these services.

Student A's Services During the 2020-2021 School Year

The Complainant stated that at the start of the 2020-2021 school year, he believed the District was not providing Student A with EL services because XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX. The Complainant also told OCR that XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX the District was not tracking. Sometime during fall 2020, the Complainant reached out to the Principal to discuss EL services for Student A. The Complainant told OCR that he inquired about getting Student A XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX. The Complainant stated that he wanted XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX. XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX. XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX.

The Principal told OCR that at the start of the 2020-2021 school year, the District had not XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX. The Principal also informed OCR that for the 2020-2021 school year, XXXXXXXXXXXXXXXXXXXXXXXX. XXXXXXXXXXXXXXXXXXXXXXXX. The Principal stated that the District XXXXXXXXXXXXXXXXXXXXXXXX. XXXXXXXXXXXXXXXXXXXXXXXX.

The School Psychologist said that the Principal told her that for the 2020-21 school year, she was to reach out to the regional CESA office to get additional information on the evaluation and assessment process for EL students. The School Psychologist stated that at the time she was completing online training XXXXXXXXXXXXXXXXXXXXXXXX and received some guidance from the CESA office. Specifically, the School Psychologist shared with OCR that the XXXXXXXXXXXXXXXXXXXXXXXX. XXXXXXXXXXXXXXXXXXXXXXXX. XXXXXXXXXXXXXXXXXXXXXXXX. XXXXXXXXXXXXXXX.

The District informed OCR that on February 1, 2021, Student A’s parents
XXXXXXXXXXXXXXXXXXXX. The transfer form shows that Student A’s parents
XX
XXXXXXXX.

XX.
XX.
XX.
XX.
XX.

School Year 2021-2022

On June 29, 2021, the District confirmed to OCR that
XX. According to
the Complainant Student A is
XX.

The School Psychologist told OCR that for the 2021-22 school year, she has taken on new duties with regards to EL students. The School Psychologist stated to OCR that the District plans to “tighten the EL processes” so that when an EL student is identified, she is notified and receives a copy of the home language survey, conducts WIDA screeners if necessary, identifies any ILP the student already has in place, and makes sure that the student is registered for the ACCESS exam. She also shared that she will likely be assigned to track and documents a student’s individual progress and assessments in order to streamline the process. The School Psychologist shared that her new duties have not been formalized into her job description as there is a new principal and administrator for the District. The School Psychologist was unaware if the District memorialized any of the new procedures for EL student or if the staff received any training.

Analysis and Conclusion

OCR determined that the District violated Title VI by failing to take affirmative steps to address Student A’s language needs, determine what services were appropriate, and track or monitor her progress, in order to ensure that she was not left with academic deficits. Furthermore, the evidence demonstrates that the District did not have procedures in place to effectively monitor Student A’s progress.

The evidence indicates that the District did not effectively assess Student A for EL services or take sufficient steps to ensure that she was not left with academic deficits. Although
XX. The District did not
determine whether its services continued to be appropriate or
XX.

In addition, the evidence indicates that the District did not evaluate the implementation and outcomes of their services for Student A to determine whether the services were successful in meeting its responsibilities and the program goals set by the District

OCR would like to thank the District, particularly the attorney for the District, Lori Lubinsky, for the courtesy and cooperation extended during the investigation. OCR looks forward to working with the District during the monitoring of the Resolution Agreement. If you have any questions or need assistance, please contact Marcela Castillo, Attorney, at (312) 730-1516 or marcela.castillo@ed.gov.

Sincerely,

Dawn R. Matthias
Team Leader

Enclosure

cc: Lori Lubinsky