



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS  
THE WANAMAKER BUILDING, SUITE 515  
100 PENN SQUARE EAST  
PHILADELPHIA, PA 19107-3323

REGION III  
DELAWARE  
KENTUCKY  
MARYLAND  
PENNSYLVANIA  
WEST VIRGINIA

**June 20, 2018**

**IN RESPONSE, PLEASE REFER TO: 03131018**

Dr. James Crisfield  
Superintendent  
Wissahickon School District  
601 Knight Road  
Ambler, PA 19002

Dear Superintendent Crisfield:

This letter is to inform you of the disposition of the above-referenced complaint that was filed with the U.S. Department of Education (the Department), Office for Civil Rights (OCR) against the Wissahickon School District alleging discrimination on the basis of race and national origin. The Complainant alleged that the District:

1. discriminated against Hispanic students on the basis of national origin by proposing the closure of the Mattison Elementary School (Mattison), which would have a disparate impact on Hispanic students (on January 14, 2013, the District's School Board determined that Mattison would be closed following the end of the 2012-2013 school year and subsequently did so); and
2. discriminated against Hispanic parents on the basis of national origin by failing to provide effective methods of communication to Hispanic parents at Mattison who are limited in English proficiency.

On December 21, 2017, OCR issued a letter of finding of insufficient evidence with respect to Allegation 1, above. This letter addresses the resolution of Allegation 2.

OCR enforces Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, and its implementing regulation, 34 C.F.R. Part 100 (Title VI). Title VI prohibits discrimination on the basis of race, color or national origin by recipients of Federal financial assistance. As a recipient of Federal financial assistance from the Department, the District is subject to Title VI and its implementing regulations.

Legal Authority

The Title VI regulation at 34 C.F.R. § 100.3 (a) provides that no person on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be

otherwise subjected to discrimination under any program to which this part applies. The Title VI regulation at 34 C.F.R. § 100.3 (a) prohibits the following discriminatory actions by a recipient on the ground of race, color or national origin: (i) Deny an individual any service, financial aid, or other benefit provided under the program; (ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program; (iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program; (iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program; (v) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program; (vi) Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program and (vii) Deny a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program.

The OCR policy memorandum issued on May 25, 1970, entitled, Identification of Discrimination and Denial of Services on the Basis of National Origin (May 1970 Memorandum), 35 Fed. Reg. 11,595, articulates OCR policy under Title VI on issues concerning the responsibility of school districts to provide equal educational opportunity to English Language Learner (ELL) students. The May 1970 Memorandum, as affirmed by the U.S. Supreme Court in *Lau v. Nichols*, 414 U.S. 563 (1974), continues to provide the legal standard for OCR's Title VI policy concerning discrimination on the basis of national origin against ELL students and parents. Concerning a district's obligations to provide effective notice to parents, the May 1970 Memorandum provides that recipients must adequately notify national origin minority group limited-English proficient parents of school activities that are called to the attention of other parents and that such notice in order to be adequate may have to be provided in a language other than English.

### Complainant's Allegations

The Complainant alleges that the District does not sufficiently translate communications from the District and its schools to Hispanic parents of its students. She alleges that Hispanic parents were not adequately notified of school closures during Hurricane Sandy in 2012. She also alleges that she has requested that the District improve its communications with Hispanic parents numerous times, but nothing has changed.

### Investigation To Date

To date, OCR has investigated this complaint by reviewing information provided by the Complainant and the District. OCR also interviewed the Complainant and Spanish-speaking parents as well as District staff, including teachers and administrators.

The following information was obtained thus far in OCR's investigation:

The District had a total of 135 ELL students for the 2012-2013 school year, the last school year Mattison was open. The following languages were represented among the District's schools:

Spanish; Korean; Chinese, Vietnamese, Japanese, Arabic, German, Acoli, Albanian, Bengali, Filipino, Norwegian, Polish, Shona, Swedish, Telugu, Turkish, and Uzbek.

### **District Policies and Practice regarding Limited English Proficient (LEP) Communications**

The District has a policy entitled “Limited English Proficiency Program,” Policy no. 138, adopted January 13, 2003. The purpose of the Program is to “increase the English language proficiency of eligible pupils so that they can attain the academic standards adopted by the Board and achieve academic success.” The Policy provides for the identification, assessment and provision of services to pupils who have limited English proficiency. The District’s Program is to “be based on effective research-based theory, be implemented with sufficient resources and appropriately trained staff, and be evaluated periodically.” The Superintendent or designee is to develop and disseminate procedures regarding the following: goals of the Program; enrollment of pupils; assessment, entrance and exit of pupils; classroom accommodations; grading policies and interpreters and support resources.

The District does not have a policy which specifically addresses communications with LEP parents. The District’s practice is for ELL teachers to identify parents who may require translation services. This is usually done at the beginning of the semester or whenever a student enters the ELL program. ELL teachers meet with each family at the beginning of the school year and use Language Line Services to communicate with parents throughout the school year. The District has trained school personnel on how to use Language Line Services. Interpreters are hired through Cristaldo Associates, Inc. and all have over ten years of experience.

ELL teachers translate documents such as report cards, annual notices and general forms as needed. They also serve as a resource for regular teachers on the use of Language Line Services. If documents need to be translated, District personnel use TransACT, a subscription provided by the Pennsylvania Department of Education, to communicate with LEP parents. In addition, the District has hired Clark Translations to translate documents. Special education documents are translated using the PATTAN website.

### **Communications with LEP Parents**

Many of the Hispanic parents OCR interviewed said that they relied on family members and neighbors to translate documents into Spanish.

Student and parent handbooks contain important information related to the District’s programs, such as the disciplinary code, attendance policies, and relevant details about school programs and activities. As of June 2018, the content of the District’s website can be translated into any number of languages; however, the PDF of the high school Parent/Student Handbook on the website is only available in English. The middle school Parent/Student Handbook is available in English and Spanish. The elementary school handbooks do not appear to be online as of June 2018.

The District made additional efforts to improve its communications with LEP parents during the course of this OCR complaint. For example, the District’s website has a link with a drop down

box containing approximately 65 languages. When the user clicks on a language, all of the website content appears in that language.

The District also communicates with parents through automated calls. In order to receive calls in a language other than English, parents have to be identified in the District's computer data base according to the language that they speak and this data base is developed from the information obtained in the Home Language Survey that is part of the student's registration packet.

While the District provided translators at the October 2012 hearings regarding the closure of Mattison, some witnesses assert that there were an insufficient number of translators provided. Witnesses stated that the hearings were conducted in English, the slide shows were in English, and interpreters translated into a microphone only when Spanish-speaking members of the audience were talking to the School Board. The District distributed handouts at the hearings to attendees and these documents, which explained the reasons for the proposal to close Mattison, were available in English and translated into Spanish.

Regarding the January 14, 2013 meeting at which the School Board voted to close Mattison, OCR found that the District sent home a notice to Mattison parents in both English and Spanish in advance of the meeting to notify them of the meeting and, specifically, that the Board would be voting on the closure of Mattison.

The District held meetings regarding the redistricting of District students on March 18, 19 and 20, 2013 at three different District elementary schools. In advance of the March 18, 2013 redistricting meeting at Mattison, the District sent a document to parents in both English and Spanish notifying them of the meeting.

OCR would need to obtain additional information in order to fully assess the effectiveness of the District's methods of communicating with LEP parents with regard to how LEP parents are notified of the information about the District's Code of Conduct, attendance policies, academic programs, and other important information that is included in its student/parent handbooks. OCR would also need to obtain additional information to determine whether the District's process for collecting information about parents who require communication in another language is effective, such that identified parents receive adequate notice of school activities that are called to the attention of other parents.

On November 30, 2017, prior to the completion of OCR's investigation, the District asked to resolve this complaint pursuant to Section 302 of OCR's *Case Processing Manual* (CPM). On June 19, 2018, the District submitted the enclosed signed resolution agreement (the Agreement) to OCR, which was signed by the District on June 12, 2018. When fully implemented, the Agreement will resolve the remaining allegation in the complaint.

In light of the commitments the District has made in the Agreement, OCR finds that the complaint is resolved, and OCR is closing its investigation as of the date of this letter. OCR will monitor the District's implementation of the Agreement to ensure that the commitments made are implemented timely and effectively. OCR may request additional information as necessary to determine whether the District has fulfilled the terms of the Agreement and is in compliance with Title VI with regard to the issues raised.

If the District fails to implement the Agreement, OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

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.

This letter sets forth OCR's determination in an individual OCR case. This letter 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.

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 harmed individual may file a complaint alleging such treatment.

The Complainant may file a private suit in federal court, whether or not OCR finds a violation.

Under the Freedom of Information Act, it may be necessary to release this letter 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.

Thank you for your cooperation with this matter. If you have any questions, please contact me at 215-656-8522 or [vicki.piel@ed.gov](mailto:vicki.piel@ed.gov) or Sarah Haake at 215-656-6416 or [sarah.haake@ed.gov](mailto:sarah.haake@ed.gov).

Sincerely,

/s/

Vicki Piel  
Team Leader

Enclosure: Resolution Agreement

Cc: Allison Petersen, Counsel for District, via email only (XXXXXX)