



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION IV

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December 13, 2021

Via Email Only (superintendent@fultonschools.org)

Dr. Mike Looney
Superintendent
Fulton County Schools
6201 Powers Ferry Road, NW
Atlanta, GA 30339

Re: OCR Complaint No. 04-21-1330
Letter of Resolution

This letter is to advise you of the outcome of the U.S. Department of Education, Office for Civil Rights (OCR) investigation of the complaint against Fulton County Schools received on June 3, 2021. The complaint alleged that the school system discriminated against limited English proficient parents on April 13, 2021, when it failed to provide interpretation services during a virtual meeting held for parents at Conley Hills Elementary School. As explained further below, before OCR completed its investigation, the school system expressed a willingness to resolve the complaint by taking the steps set out in the enclosed Resolution Agreement.

OCR enforces Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d *et seq.*, and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the bases of race, color, and national origin in any program or activity receiving Federal financial assistance from the Department of Education. As a recipient of Federal financial assistance from the Department of Education, the school system is subject to the requirements of Title VI and to OCR's jurisdiction.

OCR investigated whether the school system failed to ensure meaningful communication with limited English proficient parents, in violation of Title VI and its implementing regulation at 34 C.F.R. § 100.3.

To date, OCR has reviewed documents provided by the school system, including documentation related to processes for requesting and providing interpretation services, a list of parents at Conley Hills identifying Spanish as their primary language, and correspondence regarding the April 13, 2021, Conley Hills parent meeting. OCR also interviewed the Complainant, the school system's

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Executive Director of Academic Programs, and the Coordinator of the school system's English as a Second Language, or ESOL, program.

Legal Standard

The Title VI implementing regulation at 34 C.F.R. § 100.3(a) provides that no person shall, 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 the Title VI regulation applies. The regulation at 34 C.F.R. § 100.3 (b)(1)(i)-(iv) provides that a recipient may not, directly or through contractual or other arrangements, on the ground of race, color or national origin, deny an individual any service, financial aid, or other benefit provided under the program; 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; subject an individual to segregation or separate treatment in any matter related to his/her receipt of any service, financial aid, or other benefit under the program; or 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.

Pursuant to its authority under Title VI, the Department of Education issued a memorandum to school systems 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 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.

Facts

The school system uses a home language survey at the time of student enrollment to identify parents' preferred language for communications with the school system. The school system reported that in April of 2021, the total enrollment at Conley Hills was 465 students, with approximately 148 families at the school with parents or guardians identifying Spanish as their language of preference for school communications.

The school system provides language assistance to limited English proficient parents and guardians through the support of bilingual community liaisons, ESOL teachers, and interpreters contracted by the school system. The school system funds bilingual community liaison positions for some schools, including a liaison bilingual in Spanish assigned to Conley Hills, who reports directly to the Principal. The bilingual community liaison shares information with limited English proficient parents and guardians, provides language assistance, hosts information sessions for parents, and ensures parents are aware of supports and resources provided by the school system, including the availability of language services. The bilingual community liaisons report directly to their assigned school principal.

The school system also contracts with ten individual interpreters and two language agencies to provided language assistance to limited English proficient parents or guardians. The school system also has an online portal which school system staff use to obtain language assistance services from

the independent contractors or the language agencies for both in-person and virtual communications. According to the school system's written procedures, staff must request services in the portal at least five business days before the scheduled service date. The ESOL Coordinator told OCR that on occasion, particularly for a last-minute need, central office staff may approach the Parent Liaison, a central office staff person bilingual in Spanish, to request Spanish interpretation assistance.

In approximately February 2021, the school system conducted virtual school board community meetings with Conley Hills and other schools that would be impacted by the establishment of a new K-8 school and potential school closures. The Parent Liaison provided language assistance services in Spanish during those meetings. The services included translating into Spanish slides used during the presentations and interacting with limited English proficient parents using the chat feature on Microsoft Teams. The Executive Director and ESOL Coordinator were not aware of who requested the language assistance services or how the requests were made.

On April 1, 2021, the Principal at Conley Hills, using Class Dojo, a school communication platform, posted an invitation for school families to attend an upcoming special meeting with the Superintendent. According to the Executive Director, the purpose of the meeting was to discuss different options about building a K-8 school. The announcement to families noted the meeting was scheduled for April 13, 2021, on Microsoft Teams, and said its purpose was to discuss updates related to the school. The invitation was in English and included a link to the meeting. Class Dojo includes a translate feature enabling families to translate announcements posted on the platform.

On April 12, 2021, the Executive Director emailed the Parent Liaison asking her to translate three questions into Spanish for the purpose of obtaining community feedback at the April 13, 2021, meeting. The Parent Liaison replied by email to the Executive Director, copying the ESOL Coordinator, and provided the translated questions. On April 13, 2021, the ESOL Coordinator emailed the Executive Director asking if the Parent Liaison's assistance with translation during the meeting was needed. The ESOL Coordinator's email noted that the Parent Liaison had provided support in previous meetings.

The Executive Director replied to the ESOL Coordinator's email, stating that the school system could use the Parent Liaison's services if she was available. The Parent Liaison, however, was not available to participate in the meeting.

On April 13, 2021, prior to the meeting, the Principal sent an email to school families reminding them of the meeting. The email, written in English, included a meeting link and a pdf attachment entitled, "Conley Hills Questions and Answers-Parent Meeting." This attachment noted that the school system had a few questions for community feedback and included a link to the meeting as well as a nearpod link to the questions; nearpod is an online student engagement platform. The Executive Director told OCR that parents could not access the nearpod link or the questions prior to the meeting; rather, the link was designed to be live and accessible only during the meeting.

On April 13, 2021, prior to the meeting, the Principal also posted a reminder of the meeting on Class Dojo. The announcement was written in English, and included a link to the meeting and the pdf attachment, referenced above, containing the link to the meeting as well as the nearpod link to

the questions for community feedback. On April 13, 2021, Conley Hill's bilingual community liaison also posted an invitation to the meeting on Class Dojo; the invitation was written in Spanish and provided the meeting link.

According to the Executive Director, five minutes before the scheduled meeting time, the school system revised the questions for community feedback. The Executive Director also said that because of the timing of the revisions, the school system did not translate the revised questions into Spanish.

As scheduled, the meeting took place on April 13, 2021, on Microsoft Teams. The Superintendent conducted the meeting in English. The PowerPoint presentation used during the meeting contained the revised questions only in English and a new nearpod link which parents were able to access during the meeting also contained the revised questions only in English. The slide containing the revised questions for community feedback included a statement at the bottom of the slide, written in Spanish. The statement in Spanish contained the Parent Liaison's contact information and directed parents to contact the Parent Liaison if they had a question or comment in Spanish.

The Executive Director told OCR that she was not responsible for securing language services for the April 13, 2021, meeting and does not know who was responsible. She described the April 13, 2021, meeting as abnormal in that the meeting resulted from unusual scheduling by the Superintendent.

Analysis

OCR's investigation to date indicates that the school system did not provide meaningful communication to limited English proficient parents and guardians during the meeting on April 13, 2021. Specifically, the school system did not provide interpretation services during the meeting to a school audience with parents or guardians identifying Spanish as their language of preference for school communications. In addition, while the school system translated survey questions into Spanish ahead of the April 13 meeting, when the school system revised the questions immediately before the meeting, it did not translate the questions into Spanish. The information provided to date also raises a concern about whether the school system has a process to ensure meaningful communication with limited English proficient parents and guardians at meetings organized by the central office, and whether the school system notifies limited English proficient parents and guardians, in a language the parents and guardians can understand, about the availability of language assistance services and about the process for requesting such services at these meetings. OCR is also concerned that the school system's written procedures, which require that interpretation requests be scheduled five business days before the scheduled service date, do not address requests for interpretations that cannot be scheduled five business days before the scheduled service date.

Conclusion

As noted above, prior to the conclusion of OCR's investigation and pursuant to Section 302 of OCR's *Case Processing Manual*, the school system expressed an interest in resolving this complaint, and OCR determined that a voluntary resolution is appropriate. Subsequent discussion

between OCR and the school system resulted in the school system signing the enclosed Resolution Agreement that, when fully implemented, will address OCR's concerns. OCR will monitor the school system's implementation of the Agreement. The Agreement requires the school system to develop and submit to OCR for review and approval a written plan to provide language assistance to limited English proficient parents, guardians and the general public that ensures they have meaningful access to meetings (virtual and in-person) organized or hosted by the school system's central office. The Agreement also requires training for the school system's central office staff regarding the language assistance plan.

This concludes OCR's investigation of the complaint. This letter should not be interpreted to address the school system'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. OCR would like to make you aware that individuals who file complaints with OCR may have the right to file a private suit in Federal court whether or not OCR finds a violation.

Please be advised that the school system may not harass, coerce, intimidate, discriminate, or otherwise retaliate 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.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If 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 about this complaint, please contact Claudia Campo, the assigned attorney, at (404) 974-9378, or at claudia.campo@ed.gov.

Sincerely,

/s/

Jana L. Erickson
Program Manager

cc: Kathryn Ams, Esq. (via email only at kathryn.ams@nelsonmullins.com)