



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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DALLAS, TX 75201-6810

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

Ref#: 06121511
06131496

Mr. Issac G. Joseph, Superintendent
Jefferson Parish Public School System
501 Manhattan Blvd.
Harvey, Louisiana 70058-4495

Dear Mr. Joseph:

On May 29, 2012 and May 1, 2013, the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, received complaints filed against the Jefferson Parish Public School System (JPPSS). In separate complaints, each complainant alleged 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, each complainant alleged that JPPSS failed to provide staffing and staff development in its alternative language program (ALP). The complainant that filed complaint #06121511 alleged that JPPSS failed to provide staffing and staff development in the ALPs at the following schools: West Jefferson High School, Alfred Bonnabel High School, John Ehret High School, Meisler Middle School, Harry S. Truman Middle School, and, L.H. Marrero Middle School. The complainant that filed complaint #06131496 cited the following as schools in which JPPSS failed to provide staffing and staff development in their respective ALPs: Schneckenburger Elementary School, Greenlawn Elementary School, Clancy-Maggiore Elementary School, Livaudais Middle School, Adams Middle School, Grace King High School, West Jefferson High School, and Cox High School.

Also, the later complainant alleged that JPPSS failed to appropriately monitor students that have exited the ALP.

As a result of the allegations raised in OCR complaints #06121511 and #06131496, OCR opened the following legal issues for investigation:

1. Whether JPPSS fails to provide equal educational opportunities to national-origin minority, English language learners (ELLs) students by failing to provide appropriate *staffing and staff development in its alternative language program*, in violation of 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. 34 C.F.R. § 100.3(a) and (b); and,

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

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

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 investigate this complaint for resolution under Title VI.

PRELIMINARY ANALYSIS

In its response, JPPSS provided information regarding the alternative language program which it implemented at the middle school and high school levels. No information was submitted regarding the alternative language program implemented at the elementary school level.

As a preliminary matter, OCR reviewed the 2014-2015 data for the JPPSS, and found that the district had a total student population of 48,126 for the 2014-2015 school year. The race/ethnicity breakdown of JPPSS for the 2014-2015 school year was as follows: .66% Native American, 4.86% Asian/Pacific Islander, 41.48% Black, 22.61% Hispanic, 27.96% white and 2.30% Multiracial. The percentage of ELL students was 11.7% for said school year.

Staffing and Staff Development:

According to OCR's Dear Colleague Letter dated January 7, 2015, and entitled "*English Learner Students and Limited English Proficient Parents*," at a minimum, every school district is responsible for ensuring that there is an adequate number of teachers to instruct ELL students and that these teachers have mastered the skills necessary to effectively teach in the district's program for ELL students. Where formal qualifications have been established, e.g., the SEA requires authorization or certification to teach in particular ALP, or a school district generally requires its teachers in other subjects to meet formal requirements, a school district must either hire teachers who already have the necessary formal qualifications to teach ELL students or require that teachers already on staff be trained or work towards attaining the necessary formal qualifications and obtain the formal qualifications within a reasonable period of time. Also if a school district uses paraprofessionals to provide language assistance services to ELL students that supplement those provided by teachers, it may do so only if the paraprofessional is trained to provide services to ELL students and instructs under the direct supervision of a qualified teacher.

English as a Second Language (ESL) is the educational theory that JPPSS has chosen to

deliver language services to ELL students. At both the middle schools and high schools, ELL students are divided into three proficiency levels: beginner, intermediate, and advanced. At middle schools, ESL is used to teach ELL students in the following ESL designated courses: social studies, reading, and English. At the high schools, ELL students attend classes entitled “ESL”. Further, ESL is used to deliver language services in the following ESL designated courses: English, reading, social studies, math, composition, science, and electives (Spanish for Native Speakers, art, music, PE). OCR analyzed the preliminary data provided regarding the ELL population and the ESL staff at the following schools: West Jefferson High School, Alfred Bonnabel High School, John Ehret High School, Meisler Middle School, Harry S. Truman Middle School, and, L.H. Marrero Middle School. Below is a summary of the data analysis for each school.

Bonnabel High School (BHS)

The number of ELL students at BHS was 244 for 2011-2012 school year and 214 for the 2012-2013 school year. For the 2012-2013 school year, BHS had 5 ESL teachers, 4 of which were ESL certified. According to JPPSS, the ratio of ELL students to ESL teachers in each class was 20 or less to one. However, the data reviewed by OCR indicates that there was a range between 2 to 26 ELL students per class. There was one paraprofessional designated for ELL students, and that individual was certified to speak Spanish.

Truman Middle School (TMS)

The number of ELL students at TMS was 27 for 2011-2012 school year and 39 for the 2012-2013 school year. For the 2012-2013 school year, TMS appeared to have one teacher who taught all five ESL classes at the school. She appeared to teach more than one proficiency level at the same time. According to JPPSS, the ratio of ELL students to ESL teacher in each class was 6 to 1. However, the data reviewed by OCR indicates that there is a range between 4 to 17 ELL students per class. JPPSS noted that there was one paraprofessional at TMS. However, it is not clear whether the paraprofessional was dedicated to the ESL program or used by the entire school. Further, there was no information about the paraprofessional’s qualifications was provided.

Meisler Middle School (MMS)

The number of ELL students at MMS was 124 for 2011-2012 school year and 146 for the 2012-2013 school year. For the 2012-2013 school year, MMS had three ESL teachers, two of which were ESL certified. According to JPPSS, the ratio of ELL students to ESL teachers in each class was 6 to 1. However, JPPSS produced no supporting information regarding said ratio. JPPSS noted that there was one paraprofessional at MMS. However, it is not clear whether the paraprofessional was dedicated to the ESL program or used by the entire school. There was no information about the paraprofessional’s qualifications was provided.

Ehret High School (EHS)

The number of ELL students at EHS was 36 for 2011-2012 school year and 52 for the 2012-2013 school year. For the 2012-2013 school year, EHS had two ESL teachers and both were ESL certified. According to JPPSS, the ratio of ELL students to ESL teachers in each class was 6 to 1. However, JPPSS produced no supporting information regarding said ratio. There was one paraprofessional assigned to the school. There was no information about the paraprofessional's qualifications was provided.

Marrero Middle School (MAMS)

The number of ELL students at was 68 for 2011-2012 school year and 74 for the 2012-2013 school year. For the 2012-2013 school year, had four ESL teachers. No information regarding the teachers certification was produced. According to JPPSS, the ratio of ELL students to ESL teacher in each class was 18 to 1. However, JPPSS produced no information in support of the provided ratio of ELL students to ESL teacher per class. JPPSS noted that there was one paraprofessional at. However, it is not clear whether the paraprofessional was dedicated for ESL program or used by the entire school. There was no information about the paraprofessional's qualifications was provided.

Jefferson High School (JHS)

The number of ELL students at JHS was 229 for 2011-2012 school year and 173 for the 2012-2013 school year. For the 2011-2012 school year, JHS had 12 ESL teachers, 10 of which were certified in ESL. For the 2012-2013 school year, JHS had 6 ESL teachers, 5 of which were certified in ESL. According to JPPSS, the ratio of ELL students to ESL teacher in each class was less than 20 to 1. However, JPPSS produced no information regarding the ratio of ELL students to ESL teacher per class. There was no paraprofessional assigned to the ESL program.

Exiting and Monitoring:

According to the above-mention OCR Dear Colleague Letter dated January 7, 2015, in regards to the exiting ELL students from ALP, services, and status, a valid and reliable English language proficiency (ELP) assessment of all four language domains must be used to ensure that all K-12 ELL students have achieved English proficiency. The ELP assessment must meaningfully measure student proficiency in each of the language domains, and, overall, be a valid and reliable measure of student progress and proficiency in English.

With respect to monitoring ELL students' acquisition of content knowledge, school districts must at a minimum validly, reliably, and annually measure ELL students' performance in academic content areas, including through tests in a language other than English where appropriate. School districts should also establish rigorous monitoring systems that include benchmarks for expected growth in acquiring academic content knowledge during the academic year and take appropriate steps to assist students who are not adequately progressing towards those goals.

The complainant that filed compliant #06131496 stated that the Louisiana Department of Education requires schools to measure the English proficiency of ELL students by annually administering the English Language Developmental Assessment (“ALDA”). The ALDA measures English proficiency in four areas (writing, reading, speaking and listening). The scores range from Level 1 (lowest proficiency) to Level 5 (full proficiency). According to the complainant, under state law, an ELL student must score at Level 5 or demonstrate alternative criteria to exit the alternative language program. The complainant stated that JPPSS has adopted the state’s exiting criteria. However, the complainant identified three students that were exited from the JPPSS language program despite not meeting the exiting criteria. Furthermore, the complainant noted that the records of said students do not show that they were monitored once they were exited from the program.

After the investigation began, but before OCR reached an investigative compliance determination, JPPSS expressed a desire to voluntarily resolve the complaint. JPPSS submitted the enclosed Resolution Agreement (Agreement) dated September 30, 2015, to memorialize the steps that it will take to resolve the compliance issues raised by the complaint allegation. OCR has determined that the Agreement, when fully implemented, will satisfactorily resolve the compliance issues raised by the complaint allegation. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this complaint; however, OCR will actively monitor JPPSS’s efforts to implement the Agreement. Please be advised that if JPPSS fails to adhere to the actions outlined in the Agreement, OCR will immediately resume its compliance efforts.

This concludes OCR’s investigation of the complaint and should not be interpreted to address the JPPSS’ 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 individual OCR cases. 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 note, that the complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Further, please be advised that the JPPSS 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 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. 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.

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If you have any questions you may contact Jose Ortiz, Civil Rights Attorney, at 214-661-9643 or by email at jose.ortiz@ed.gov, or Ms. Adriane P. Martin, Team Leader, at 214-661-9678 or by email at adriane.martin@ed.gov.

Sincerely,

/S/

Taylor D. August
Director
Office for Civil Rights
Dallas Office