



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

50 BEALE ST., SUITE 7200
SAN FRANCISCO, CA 94105

REGION IX
CALIFORNIA

December 21, 2015

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

(In reply, please refer to case no. 09-15-1149.)

Dear Superintendent Brawley:

The U.S. Department of Education, Office for Civil Rights (OCR), has completed its investigation of the above-referenced complaint against Compton Unified School District (District). The issue OCR investigated was whether the District denied the Complainant equal access to the District's program on the basis of her national origin by failing to respond to a complaint she filed under the District's Williams Uniform Complaint Procedure in a language she could understand.

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 basis of race, color, and national origin in programs and activities operated by recipients of Federal financial assistance. The District receives Department funds and is subject to the requirements of Title VI and the regulations.

OCR reviewed information provided by the Complainant and the District. OCR concluded that the District violated Title VI by failing to provide the Complainant a response to her October 24, 2014, "Williams" complaint in Spanish. The applicable legal standards, the facts OCR gathered, and the reasons for our determination 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. Section 100.3(b)(2) provides that, in determining the types of services or benefits that will be provided, recipients may not utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color or national origin.

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 on issues concerning the responsibility of school agencies to provide equal educational opportunity to limited English proficient national origin minority students.

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.

OCR’s investigation showed the following:

- The Complainant filed a complaint with the District under its Williams Uniform Complaint Procedure on October 24, 2014. The procedure, which is mandated by State law, provides for the investigation and resolution of complaints related to insufficient textbooks and instructional materials, unsafe or unclean school facilities, and teacher vacancies or misassignments. The Complainant’s complaint included allegations regarding unclean restrooms and carpets, lack of textbooks, overcrowded classrooms, and other unsafe conditions at an elementary school.
- The Complainant is a limited English proficient (LEP) parent. Her complaint was filed in Spanish, and requested a response.
- The District investigated the complaint and provided the Complainant a written response on October 28, 2014. The response was written only in English.
- The Complainant contacted the District and requested that the response be provided in Spanish. She did not receive a response from the District.
- Approximately 14,500 students in the District, or 65% of the District enrollment, speak Spanish at home.

Under Title VI and the regulation, school districts are required to ensure that parents who are not proficient in English are adequately notified of information that is brought to the attention of English speaking parents, and that they are not denied access to the district’s program because of their limited English proficiency.

The Williams Uniform Complaint Procedures serves the important function of allowing parents to bring substandard school conditions to the attention of the District. Pursuant to District policy, individuals who file a complaint under these procedures are entitled to receive a written response. As part of its obligation under Title VI, the District must provide equal access to the procedure to parents who are not proficient in English. In light of the high percentage of Spanish-speaking parents in the District, the District is required to respond in Spanish to Williams complaints that are filed by Spanish-speaking parents who are not proficient in English.

OCR found that, even though the complainant's Williams complaint was written in Spanish, the District responded to her only in English. Even when she contacted the District and requested that the District response be provided in Spanish, the District still failed to translate its response. For this reason, OCR finds that the District violated Title VI with regard to the issue investigated.

On December 16, 2015, without admitting to any violation of the law, the District signed the enclosed agreement to resolve this case. Pursuant to the agreement, the District will provide the Complainant with a written response to her October 24, 2014, complaint in Spanish. The agreement also requires the District to develop and implement an action plan which, in part, ensures that adequate translation and interpretation services are provided in connection with the resolution of complaints filed under the Williams Uniform Complaint Procedure. OCR has determined that the implementation of this agreement will resolve the allegations made in this complaint. OCR will monitor the implementation of this agreement.

Based upon the signed agreement, OCR is closing the investigative phase of this complaint as of the date of this letter and notifying the Complainant by concurrent letter. The Complainant may have a right to file a private suit in federal court whether or not OCR finds a violation.

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. 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 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.

OCR wishes to thank the District for its cooperation during this investigation. If you have any questions about this letter, please contact Civil Rights Attorney Katherine Riggs at (415) 486-5544 or Civil Rights Investigator, Nefertiti Sadat at (415) 486-5550.

Sincerely,

/s/

Anamaria Loya
Team Leader

Enclosure

cc: Jane Reimers, Counsel, Compton Unified School District (by e-mail only)