



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION IX
CALIFORNIA

July 2, 2015

Giovanni H. Annous
Superintendent
Rim of the World Unified School District
P.O. Box 430
Lake Arrowhead, CA 92352

(In reply, please refer to case no. 09-15-1206.)

Dear Superintendent Annous:

The U.S. Department of Education, Office for Civil Rights (OCR), has completed its investigation of the above-referenced complaint against the Rim of the World Unified School District. The complainant alleged that the District discriminated against her daughter (Student)¹, who was an English learner, on the basis of her national origin language minority status. The issue OCR investigated was whether the Student was denied enrollment in the District continuation school, Mountain High School, because she was an English learner.

OCR initiated an investigation of the complaint under the authority of Title VI of the Civil Rights Act of 1964 and its implementing regulations. Title VI prohibits discrimination on the basis of race, color or national origin in programs and activities operated by recipients of Federal financial assistance. The District receives funds from the Department and is subject to Title VI and the regulations.

OCR gathered preliminary evidence through interviews with the complainant and a District assistant superintendent and a review of student records.

Under OCR's complaint resolution procedures, a complaint may be resolved at any time when, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint. During the course of OCR's investigation process, the District expressed an interest in resolving the complaint. On June 25, 2015, the District submitted a Resolution Agreement (RA) which, when implemented, will resolve the allegation of this complaint. For this reason, OCR did not complete its investigation or reach findings or conclusions as to whether the District had failed to comply with Title VI or the regulations.

¹ OCR notified the District of the identities of the complainant and the Student when the investigation began. We are withholding their names from this letter to protect their privacy.

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

The facts considered during the preliminary investigation, the applicable legal standards, and the reasons for our determination are summarized below.

Under the Title VI regulations at 34 C.F.R. §100.3(a) and (b), a school district may not treat individuals differently on the basis of race, color, or national origin with regard to any aspect of services, benefits, or opportunities it provides. Section (b)(1) states that a school district may not, directly or through contractual or other arrangements, on the basis 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.

OCR's partial investigation showed the following:

- The Student entered the District when she was in eighth grade and, according to the complainant, was categorized as an English learner (EL) for the first time when she enrolled. She has been enrolled at the District's only comprehensive high school, Rim of the World High School, during most of the past three years.
- The Student received failing grades in several courses during her first two years at the high school. At the beginning of her junior year, her mother requested that she be enrolled at the District continuation school in order to make up the credits she had lost because of these failures. The transfer was initially approved, and the student's records show that she was enrolled at the continuation school from August XX, 2014 (shortly after the beginning of the fall 2014 semester) through September XX, 2014.
- The complainant informed OCR that, after the Student had been at the continuation school for two to three weeks, the District informed her that the Student would need to return to the comprehensive high school because she was an English learner, and the District could not serve her at the continuation school, where no EL services were available.
- On September XX, 2014, the Student was returned to Rim of the World High School. She received one credit for the work she had completed at the continuation school. She subsequently fell further behind at Rim of the World High School. The complainant's efforts to reenroll her at the continuation school were unsuccessful.
- On March XX, 2015, soon after OCR notified the District of this complaint, the Student was reenrolled at the continuation school, and provided an English language development class at that school. She completed the school year at the continuation school.
- On May XX, 2015, the Student was reclassified as fluent English proficient (R-FEP) and exited from the English learner program.

- The District informed OCR that Mountain High School will be closed and that, beginning in 2015-16, the District's credit recovery program will be housed at Rim of the World High School.

OCR interprets Title VI and its implementing regulations as requiring school districts to take affirmative steps to provide equal educational opportunities to language minority students who are English learners, including providing them instruction designed to teach them English and ensure that they are able to access the district's regular education program within a reasonable time.² At the same time, Title VI prohibits districts from depriving EL students of access to benefits on the basis of their EL status. A policy of excluding all EL students from a credit recovery program that might enable them to graduate from high school would raise concerns about whether EL students were receiving equal education opportunities.

Prior to the completion of this investigation, the District returned the Student to the credit recovery program. On June 25, 2015, the District submitted a Resolution Agreement in which it agreed to enroll the Student in summer school, allow her to continue to enroll in the credit recovery program, and provide her with additional time, if necessary, to complete her high school education. The District also agreed to provide notice to all EL students of their right to enroll in the credit recovery program, and to provide additional notice to individual EL students who have fallen behind in obtaining high school graduation credits. A copy of the Agreement is attached to this letter. Because OCR concluded that this agreement resolves the allegations of this complaint, OCR did not complete its investigation or determine whether the District had violated Title VI.

OCR has determined that the actions in Agreement, when implemented, will resolve the issues in this complaint and is closing this matter as of the date of this letter. OCR will monitor the implementation of the enclosed Agreement and may reopen the investigation if the District does not implement the provisions of the Agreement. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

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 set 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.

² OCR and the US Department of Justice issued a joint "Dear Colleague Letter" on January 7, 2015, which more fully lays out OCR's interpretation of Title VI as it pertains to English learners. That letter can be found at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>. OCR is available to provide technical assistance to the District regarding the services required for English learners under Title VI.

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 records on request. If OCR receives such a request, it will seek to protect, to the extent provided by law, personal information which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

OCR would like to thank your staff, especially Edward Dandenne-Andringa, for their cooperation and courtesy in resolving this matter. If you have any questions about this letter, please contact Katherine Riggs, Civil Rights Attorney, at (415) 486-5544.

Sincerely,

/s/

Anamaria Loya
Team Leader

Enclosure

Cc: XXXXXX XXXXXXXXXXXXXXXXXXXX