



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE WANAMAKER BUILDING
100 PENN SQUARE EAST, SUITE 515
PHILADELPHIA, PA 19107-3323

REGION III
DELAWARE
KENTUCKY
MARYLAND
PENNSYLVANIA
WEST VIRGINIA

October 28, 2024

IN RESPONSE, PLEASE REFER TO OCR DOCKET 03241450

VIA EMAIL ONLY: [REDACTED]

Louise Michaud Ngido

Dear Louise Michaud Ngido:

On July 28, 2024, the U.S. Department of Education, Office for Civil Rights (OCR) received your complaint against Cape Henlopen School District (the District). You allege the District discriminates against students and parents on the basis of national origin. Specifically, you allege:

1. The District discriminates against English Language Learner (ELL) students at Mariner Middle School (School) on the basis of their national origin by:
 - a. Failing to provide EL students with an adequate language assistance program;
 - b. Failing to sufficiently staff and support the language assistance program for EL students;
 - c. Failing to monitor and evaluate student progress in the EL program; and
 - d. Failing to evaluate the effectiveness of its language assistance program.
2. The District discriminates against Limited English Proficiency (LEP) parents on the basis of their national origin by failing to communicate information to LEP parents in a language that the parents can understand.

Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d *et seq.*, which prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. As a recipient of Federal financial assistance from the Department, the District is subject to Title VI.

OCR will open your allegations for investigation. Please note opening the complaint for investigation in no way implies OCR has made a determination on the merits of the allegation. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from you, the District, and other sources, as appropriate. OCR will ensure its investigation is legally sufficient and fully responds to the allegation in accordance with the provisions of the [Case Processing Manual](#).

Our goal is the prompt, appropriate resolution of the complaint. OCR's website contains information on OCR's [complaint processing procedures](#). While we are proceeding with an

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

www.ed.gov

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investigation, there are different approaches that can achieve this goal. Please note the section in our CPM on resolution of a complaint prior to the conclusion of an investigation. If the District expresses an interest in resolving the complaint and OCR determines that resolution of the complaint prior to the completion of the investigation is appropriate, OCR may attempt to negotiate an agreement with the District pursuant to Section 302 of the CPM.

Please be advised that the District must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, or participates in an OCR proceeding. If this happens, the individual may file a retaliation complaint with OCR.

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 personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

If you have any questions, please contact the attorney assigned to your complaint: Catherine Nguyen (

Sincerely,



Catherine C. Deneke
Supervisory Attorney
Philadelphia Office