



**U.S. Department of Justice  
Civil Rights Division  
Educational Opportunities Section**

SAS:FM:NS:TC  
DJ 169-67-144

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September 30, 2024

**By Electronic Mail**

Susan Fittipaldi, Esq.  
Halligan Mahoney & Williams  
The Tower at 1301 Gervais Street, Suite 1400  
P.O. Box 11367  
Columbia, SC 29211

**Re: Aiken County Public School District's English Learner Program**

Dear Ms. Fittipaldi:

We write regarding the United States Department of Justice's (the "Department") investigation into the Aiken County Public School District's (the "District") program for English Learner ("EL") students. The Department, through its Civil Rights Division, conducted the investigation under the Equal Educational Opportunities Act of 1974 ("EEOA"), 20 U.S.C. §§ 1701, *et seq.*, which requires the District to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs. 20 U.S.C. § 1703(f).

The Department's investigation raised concerns that the District failed to: (1) provide sufficient English language instruction to EL students; (2) adequately staff its EL program with teachers certified in English for Speakers of Other Languages ("ESOL"); (3) train teachers of core subjects on how to make content accessible to ELs; (4) train school administrators to appropriately evaluate the instruction provided to ELs; (5) ensure meaningful communication with Limited English Proficient ("LEP") parents and guardians; and (6) appropriately evaluate the effectiveness of its EL program.

The Department's review principally focused on the 2021-22 and 2022-23 school years. The Department considered the following documents and data: policies, procedures, and guidelines related to the District's language acquisition programs; spreadsheets containing EL student and school-level data; teacher certification and endorsement information; language acquisition program curricula and professional development materials; information about translation and interpretation services; and other documents related to the District's EL program. The Department also conducted two site visits (one in-person and one virtual), interviewing District and school administrators, teachers, and staff and observing classroom instruction.

The Department’s investigation identified several concerns about the District’s instruction and services for EL students. The concerns identified include that the District failed to provide sufficient English language development (“ELD”) instruction to hundreds of EL students, including students with disabilities, to enable them to overcome their language barriers. A number of EL students received only 30 minutes of ELD twice a week, and some students did not receive any direct instruction in English. A significant portion of the District’s EL students had been enrolled in the EL program for more than five years and lacked access to the interventions and supports needed to attain proficiency in English and exit the program. In addition, District staff failed to use qualified interpreters consistently to facilitate communication with LEP parents and guardians, sometimes relying on students themselves.

The Department also identified concerns about EL program resources, training, and evaluation. The District had an insufficient number of ESOL teachers on staff to serve its EL student population, and a number of teachers did not have the ESOL add-on certification or endorsement credential. The District also failed to train teachers of core academic subjects such as math, science, and social studies on instructional strategies to make content accessible to ELs. Administrators lacked the training or tools necessary to evaluate the instruction teachers provided to their EL students. And the District failed to conduct a comprehensive evaluation of its EL program’s effectiveness.

Since the Department initiated its review, the District has taken voluntary steps to improve its EL program so that students are better positioned to succeed. The District hired a full-time ESOL Director and began training instructional staff on strategies to better serve EL students in the classroom. On September 30, 2024, the District and the Department entered into the attached settlement agreement to resolve the issues the Department identified through its investigation. We appreciate the cooperation of the District and its counsel throughout the course of this investigation and look forward to working with the District to ensure that its EL program and practices comply with the EEOA. If you have any questions regarding this letter or the attached agreement, please do not hesitate to contact Natane Singleton ([Natane.Singleton@usdoj.gov](mailto:Natane.Singleton@usdoj.gov)) or Toni Coleman ([Toni.Coleman@usdoj.gov](mailto:Toni.Coleman@usdoj.gov)).

Sincerely,

Adair Ford Boroughs, U.S. Attorney

Shaheena A. Simons, Chief

/s/ Beth Drake  
Beth Drake, Assistant U.S. Attorney  
U.S. Attorney’s Office  
for the District of South Carolina

/s/ Natane Singleton  
Franz Marshall, Deputy Chief  
Natane Singleton, Senior Trial Attorney  
Toni Coleman, Trial Attorney  
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