

Fighting Hate

Seeking Justice

Southern Poverty Law Center
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April 28, 2011

YV 12 FAUSIN 100255459302
AND UNITED STATES MAIL

Office for Civil Rights
District of Columbia Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202

Re:

[REDACTED]

vs.

Durham Public Schools

To Whom It May Concern:

Please read the letter of Complaint filed on behalf of District of Columbia parents and students against Durham Public Schools (DPS) in the District of Columbia. Complainants allege that DPS has discriminated against them on the basis of their national origin and has engaged in practices that have the effect of discrimination in violation of Title VI of the Civil Rights Act of 1964 ("Title VI") and its implementing regulations. U.S. O. #2006-334. U.S. O. #10-001. Complainants file this complaint in their individual capacities and on behalf of all other similarly situated students and their parents.

As set forth in detail below, complainants allege that DPS's actions and omissions have resulted in a violation of federal law. DPS's actions and omissions have resulted in a violation of federal law. DPS's actions and omissions have resulted in a violation of federal law. DPS's actions and omissions have resulted in a violation of federal law.

Information for the District is as follows: Durham Public Schools, 511 Cleveland Street, Durham, NC 27701. The contact information for the District is as follows: Durham Public Schools, 511 Cleveland Street, Durham, NC 27701. The contact information for the District is as follows: Durham Public Schools, 511 Cleveland Street, Durham, NC 27701.

make we informed⁴ parents. Notification must be sufficient so that parents can
and services⁷ require about the participation in extracurricular activities programs.

employs only five interpreters who share the responsibility for DPS currently em
fifty-three schools. According to the District's website, there are 6,180 DPS serving
language other than English at home, approximately 75% of whom students who speak a
a English proficient. Of these students, 616 are primary Spanish are classified as limited
speakers.⁸

s show that there are at least 6,080 households that are unable to
with their children's schools and only five employees who are

These statistics
communicate directly

been offered the assistance of an interpreter and her calls are summarily dismissed.

at school in person receive no better treatment.

Parents who visit the

circumstances, bilingual employees, primarily support and custodial

In other cir

sketch to stand in for qualified interpreters. This leads to

personnel, are a

knowledge of the terms and concepts particular to the program and has not been trained

in confidentiality requirements. Thus, on most o

ing to interact with the public education system, one to assist the parent who is n

Not only are parents unable to communicate with school staff about daily

activities, they are largely excluded from important school events.

the mother of a current Durham School for the Arts student and monolingual Spanish

speaker reported that she has attended several school

events in the same manner as English speaking parents. The mother of

has experienced similar difficulties and over the years she has been unable to participate in

communicate with staff. At some schools, it is common practice to convene parent

Spanish speaking families who are assembled at the same time to

wait their turn with an interpreter. In February 2011, several LEP families spent long ho

hours waiting at Durham School for the Arts and interpreter.

was alarmed to learn that her daughter had been struggling academically and behaviorally for most o

teacher leave calls for

wait their turn with an

hours waiting at Durham

was just to be sent home without the opportunity to meet with the teacher

and interpreter.

The parent of Durham School for the Arts student was alarmed

to learn that her daughter had been struggling academically and behaviorally for most o

Spanish speaking parents attempted to call the school to obtain information without success. According to [REDACTED], an IEP parent, the school later sent a recorded message home to families regarding the incident, but that information was provided in English only.

[REDACTED] is unable to obtain any information and out about the threat until after the incident. Although someone [REDACTED] did not fully understand speaking in English. When [REDACTED] school employee hung up on her, [REDACTED] did not receive an adequate explanation of what occurred or how [REDACTED] similar situations will be handled in the future.

[REDACTED] Middle school. As a Spanish speaking parent, [REDACTED] regarding the crisis situation [REDACTED] did not if the school day ended and her daughter told her about [REDACTED] from the school had called her earlier that day, [REDACTED] what the school employee was saying because she was [REDACTED] stated that she did not understand English. To date, the parent has never received [REDACTED] similar situations will be handled in the future.

Implement a System that Ensures that Translated into the Parent's Native

II. DPS Has Failed to Develop and Implement a System that Ensures that Important School Documents are Translated into the Parent's Native Language.

Spanish speaking community, DPS are routinely

Despite the presence of a large monolingual Spanish speaking community, DPS has failed to develop and implement a system by which written documents are translated and provided to

parents. Although DPS claims that it translates parent several families, including those of [REDACTED]

information into Spanish. [REDACTED] report that they have not received translated documents conveying even the most basic information. Parents do not receive translated report

teacher notes. Parents do not receive translated progress reports. Parents do not receive translated notice of school activities, although [REDACTED] efficient parents.

parents do not receive translated notice of school activities are brought to the attention of English pro

Of particular concern, IEP families report inadequate or absent translation even when their children are faced with disciplinary suspension or expulsion. Some families receive notice at all. Others receive notice in English, which they cannot understand.

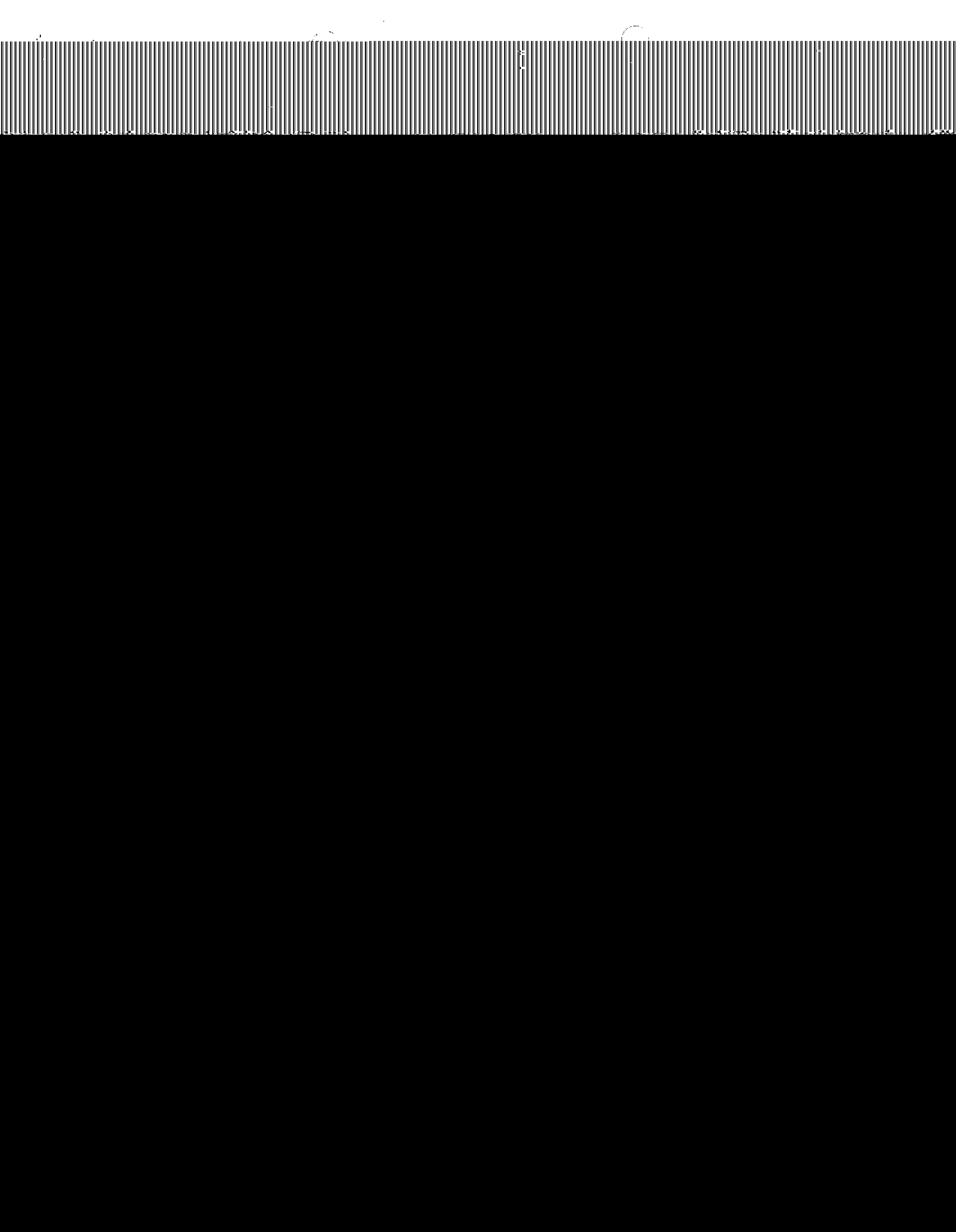
receive notice at all. Others receive notice in English, which they cannot understand.

In other situations, the documents are so poorly translated as to be unintelligible to the native reader. The District has also resorted to a hybrid approach meaning that the

In other situations, the documents are so poorly translated as to be unintelligible to the native reader. The District has also resorted to a hybrid approach meaning that the

disciplinary allegations is written in English. See, e.g., Educational File of [REDACTED] (standard suspension notice prepared in Spanish but specific information as to disciplinary allegations written in English).

disciplinary allegations is written in English. See, e.g., Educational File of [REDACTED] (standard suspension notice prepared in Spanish but specific information as to disciplinary allegations written in English).



school and questioned the reason for the videotape. Although the school promised to look into the situation, the parent has never received a response.²¹

ed to discrimination in the school
ation of [redacted]
nic-origin who attempted to register at
presented proof of residency per

Latino students have also been subject
enrollment process. Take for example the situ
[redacted] is an eighteen-year-old student of Hispanic
Hillside High School in early January 2011 [redacted]

only as a basis to produce additional documentary evidence
everence of non-Latino students. A school staff member
no smaller, rational inquiry can be conducted
port or visa, and then concluding that "you must be an illegal." As
supreme Court has long held, entitlement to public education is not
on status. *Plyler v. Doe*, 457 U.S. 202 (1982). The staff

include a severe reading disability. [redacted] here without a pass
the United States S
dependent upon immigration
particularly give
they are not made o
District's ESL coordin
[redacted]

member has no lawful reason to make these inquiries of
of other students. This matter was brought to the attention of the
nator although, to our knowledge, there has been no investigation or
of despite [redacted] basic legal principles regarding the right to

dependent upon immigration
particularly give
they are not made o
District's ESL coordin
[redacted]

A hostile learning environment denies IEP students the opportunity to fully
participate in education programs. Students cannot focus on their education if they feel
unsafe, unwelcome and unsupported. The existence of a hostile environment is illegal.

Conclusion

nants respectfully request that the Office for Civil
accept jurisdiction over their claims and initiate an investigation into the
ons contained herein.

Based on the above, Complainant's
Rights
allegati

Every little counts!
Katzendray
Director of Educational Advocacy
[redacted]

[Handwritten signature]

Encl.

parent's complaint. The complaint was
iate interaction.

²⁰ The school did not have an interpreter available to take the
translated by the child who had been the victim of the inappropriate

Eliminate the discriminatory conduct and
See 59 Fed. Reg. at 11,450.

²¹ Under Title VI, a recipient has a legal duty to investigate and
harassment once it has received notice of a hostile environment.