

Fighting Hate

Seeking Justice

Southern Poverty Law Center  
400 Washington Avenue  
Montgomery, AL 36104  
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www.splc.org

April 28, 2011

100-253459-002

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 consider this letter a formal filing on behalf of the high-achieving learner students and their families against Durham Public Schools ("DPS") or the District. 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 VII of the Civil Rights Act of 1964 ("Title VII") and its implementing regulations. On 3/20/06, the U.S. Dept. of Education ("DOE") has complainants file this complaint in their individual capacities and on behalf of all other similarly situated students and their parents.

In April 2006, Durham Public Schools ("DPS") implemented a new curriculum that has resulted in a disproportionate number of high-achieving students being placed in neighborhood schools. DPS's actions and omissions constitute a violation of federal law.

DPS's address is as follows: Durham Public Schools, 1511 Cleveland Street, Durham, NC 27701. For more information, contact the Office for Civil Rights at 1-800-421-9411.



make we informed parents. Notification must be sufficient so that parents can  
and services. 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 proficiency. Of these students, 616 are primary Spanish are classified as limited  
speakers.<sup>8</sup>

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. Parents who visit the school in person receive no better treatment.

circumstances, bilingual employees, primarily support and custodial staff, are not trained for qualified interpreters. This leads to a lack of knowledge of the terms and concepts particular to the program and has not been trained.

In other circumstances, personnel are available to assist the parent who is unable to interact with the public education system.

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 another student has experienced similar difficulties.

At some schools, it is common practice to convene parent/teacher conferences and other school events. Spanish speaking families who are assembled at the same time to wait for an interpreter. In February 2011, several LEP families spent long hours just to be sent home without the opportunity to meet with the teacher and interpreter.

The parent of Durham School for the Arts student [redacted] was alarmed to learn that her daughter had been struggling academically and behaviorally for most of

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] unable to obtain any information 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] information of what occurred or how

[redacted] Middle School last fall, Spanish speaking parents were regarding the crisis situation. [redacted] did not find out about the threat until the school day ended and her daughter told her about it. [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, the [redacted] To date, the parent has never received an adequate explanation of what occurred or how

similar situations will be handled in the future.

Ensures that  
Parent's Native

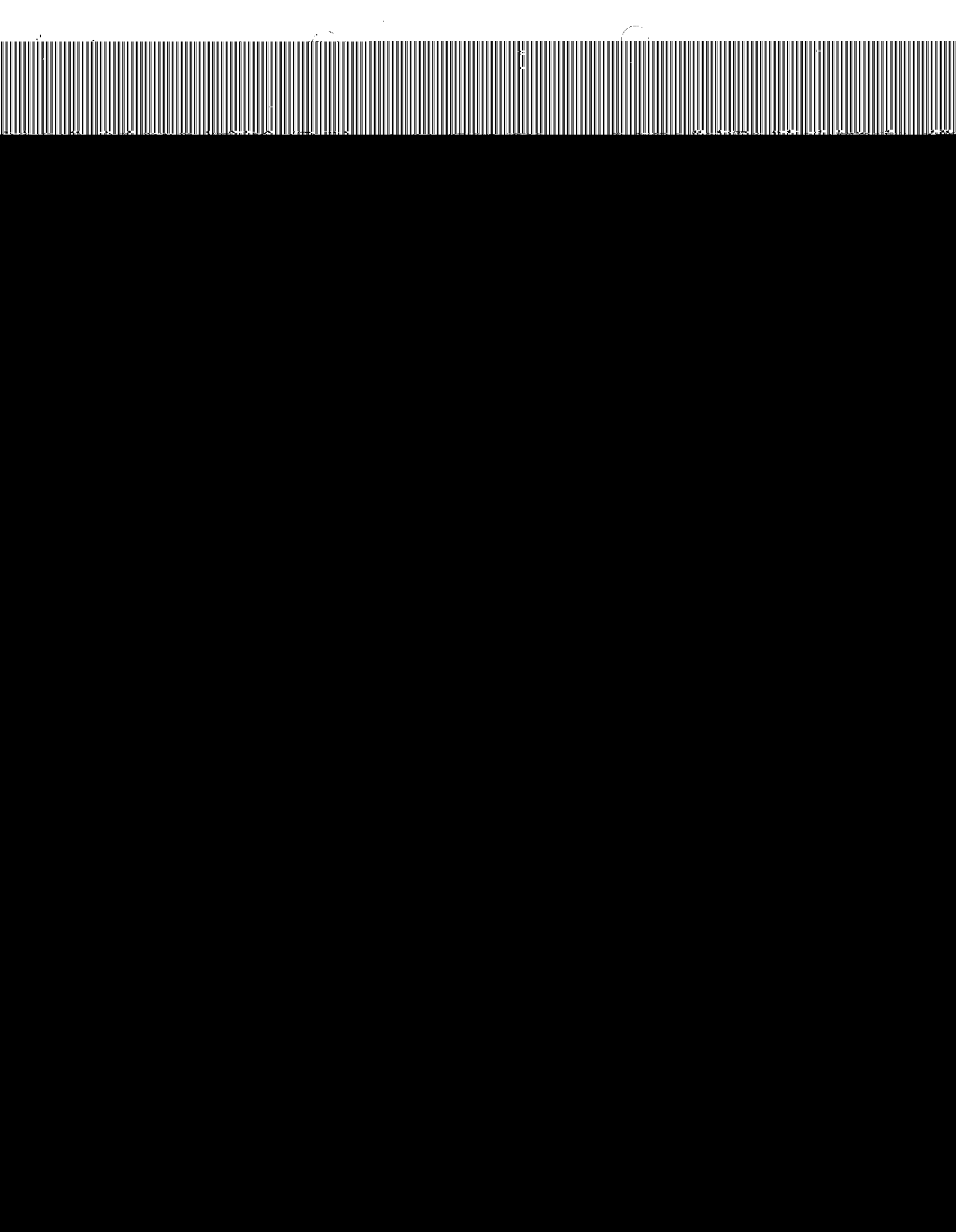
II. DPS Has Failed to Develop and Implement a System that  
Important School Documents are Translated into the Parent's  
Language.

community, DPS has failed to develop and implement a system by which written documents are routinely translated and provided to IEP parents. Although [redacted] information into Spanish, several families, including those of [redacted] report that they have not received translated documents conveying even the most basic information. Parents do not receive translated report cards, progress reports, or notices of school activities, although these activities are brought to the attention of English proficient parents.

particular concern, IEP families report inadequate or absent translation even in disciplinary suspension or expulsion notices. Some families receive notice in English, which they cannot understand. Others receive no notice at all. 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 are written in English. See, e.g., Educational File of [redacted] (standard suspension notice preprinted in Spanish but specific information as to disciplinary allegations written in English).<sup>11</sup>

discipl  
discipl





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

to discrimination in the school of [redacted], origin who attempted to register at [redacted] presented proof of residency per

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

was asked to produce additional documentation in the form of a passport or visa. Some [redacted] members made several derogatory comments to the student, asking her "how can you be here without a passport or visa," and then concluding that "you must be an illegal." As the United States Supreme Court has long held, entitlement to public education is not dependent upon immigration status. *Plyler v. Doe*, 457 U.S. 202 (1982). The staff member had no lawful reason to make these inquiries of [redacted] particularly if they are not a party giver.

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made of other students. This matter was brought to the attention of the SL coordinator although, to our knowledge, there has been no investigation or

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A hostile learning environment, as defined by J.E.P., prohibits the student's ability 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 and blatantly violates the District's obligation to provide a public education for all.

**Conclusion**

Based on the above, Complainants respectfully request that the Office for Civil Rights accept jurisdiction over their claims and initiate an investigation into the allegations contained herein.

Very truly yours,

Jen Katzenmayer  
Director of Educational Advocacy

member of the Arizona Anti-Racism Coalition

Encl.

I did not have an interpreter available to take the parent's complaint. The complaint was the child who had been the victim of the inappropriate interaction.

<sup>20</sup> The school translated by

le VI, a recipient has a legal duty to investigate and eliminate the discriminatory conduct and ce it has received notice of a hostile environment. See 59 Fed. Reg. at 11,450.

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