

Fighting Hate

Seeking Justice

Southern Poverty Law Center  
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April 28, 2011

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 recipient information]

vs.

*Durham Public Schools*

To Whom It May Concern:

...language learner ... students and their families ...  
... on the basis of ...  
... have the effect of discrimination in ... national origin and has engaged in practices that ...  
... (Title VI) and its implementing ... violation of Title VI of the Civil Rights Act of 1964 ...  
... inants file this complaint ... regulations at 34 C.F.R. § 200.63. ...  
... ly situated students and ... in their individual capacities and on behalf of all other similar ...  
... their parents.

... As set forth in detail below, ...  
... neighborhood schools. DPS's actions and omissions have resulted in a ... unwanted in their ...  
... violation of federal law.

The contact information for the District is as follows: Durham Public Schools, 1511 Cleveland Street



make we informed parents. Notification must be sufficient so that parents can  
and services. require about the participation in extracurricular and athletic 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 These statistics  
with their children's schools and only five employees who are 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

ving 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 years she has been unable to participate in

communicate with staff. The mother of another Durham School for the Arts student

teacher leave calls for hours waiting at Durham School for the Arts just to be sent home without the opportunity to meet with the teacher

At some schools, it is common practice to convene parent

Spanish speaking families who are assembled at the same time.

interpreter. In February 2011, several LEP families spent long h

School for the Arts 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

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 staff of Spanish speaking parents were 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. The [REDACTED] 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

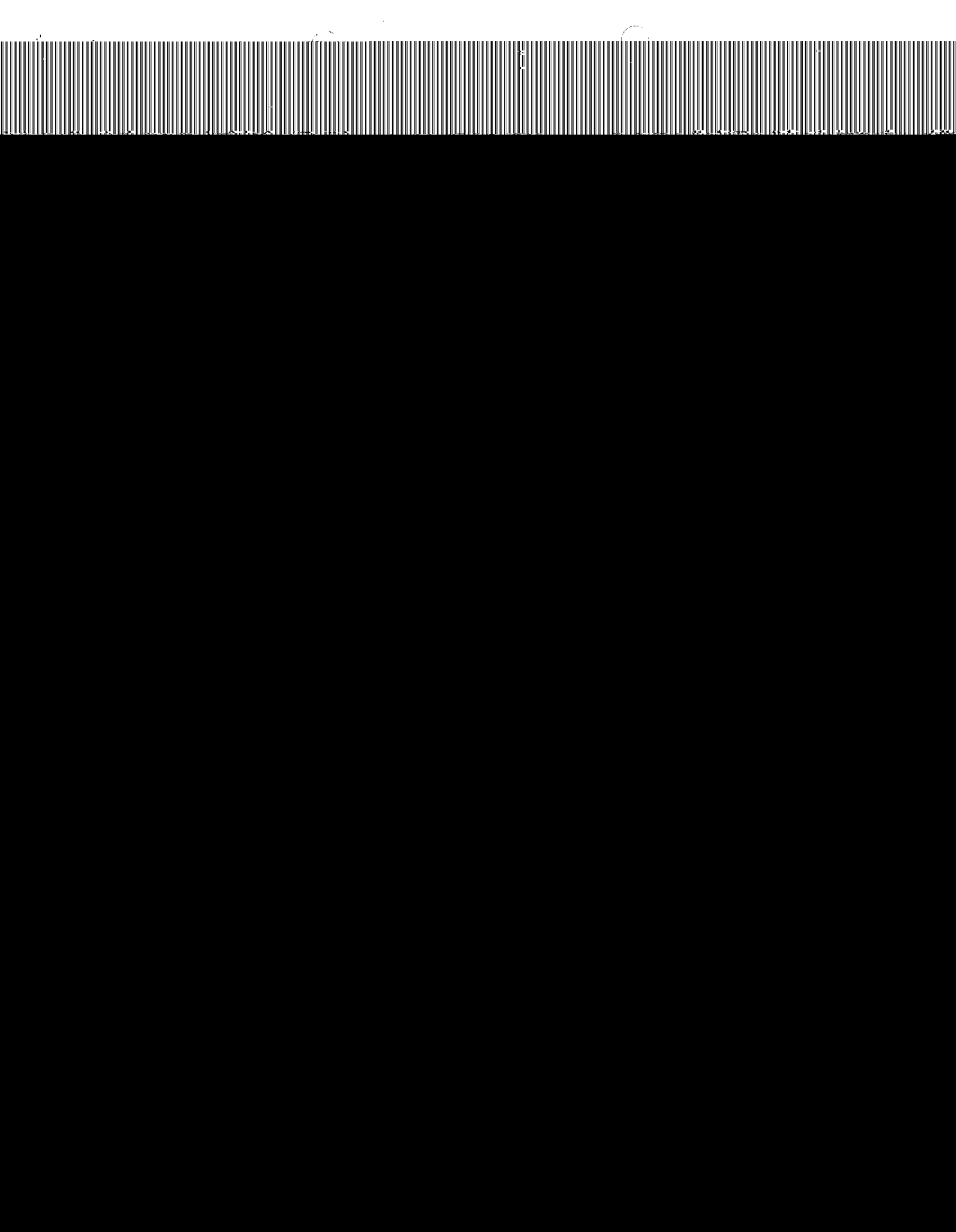
II. DPS Has Failed to Develop and Implement a System that Ensures that Important School Documents are Translated into the Parent's Native Language.

Spanish speaking community, DPS are routinely [REDACTED] Although DPS claims that it translates parent [REDACTED] several families, including those of [REDACTED] conveying even the most basic information. Parents do not receive translated report [REDACTED] of activities, although [REDACTED] efficient parents.

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 [REDACTED] information into Spanish. [REDACTED] conveying even the most basic information. Parents do not receive translated report [REDACTED] of activities, although [REDACTED] efficient parents.

Of particular concern, [REDACTED] children are faced with disciplinary suspension or expulsion. Some families [REDACTED] notice at all. Others receive notice in English, which they cannot understand. [REDACTED] In other [REDACTED] The District has also resorted to a hybrid approach meaning that the [REDACTED] 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.<sup>21</sup>

ed to discrimination in the school  
ation of [redacted]  
nic-origi 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 his  
Hillside High School in early January 2011 [redacted]

but was asked to produce additional documents. The staff has a policy  
everence of non-Latino students. A school staff member has several occasions  
no smaller, rational, and how can it be  
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

dependent upon immigration  
here without a pass  
the United States S

r. member hat no lawful reason to make these inquiries of  
f other students. This matter was brought to the attention of the  
nator although, to our knowledge, there has been no investigation or

they are not made o  
District's ESL coordin

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, unwelcomed, 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, Complai  
Rights  
allegati

Every little counts!  
Jeff Katzenbach  
Director of Educational Advocacy  
www.educationadvocacy.org

Encl.

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

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

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

<sup>21</sup> Under Title V  
harassment once it