



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS, DISTRICT OF COLUMBIA OFFICE

November 2, 2011

Ms. Jean Katzerman  
Director of Educational Advocacy  
Southern Poverty Law Center  
400 Washington Ave.  
Montgomery, AL 36104

Re: OCR Complaint No. 11-414224  
Resubmission Letter

Dear Ms. Katzerman:

This letter is to inform you of the disposition of the complaint filed by the complainant, along with the District of Columbia Office for Civil Rights (OCR) with the U.S. Department of Education (the Department), on April 29, 2011, against Northern Public Schools (the District). The complaint was filed on behalf of limited English proficient (LEP) students in the District, as well as on behalf of a number of Latino students at three different schools in District. The complaint alleged the following allegations:

Allegation 1: The District discriminates against limited English proficient (LEP) parents and/or guardians on the basis of national origin by failing to ensure that they have meaningful access to information that is relevant to parents and guardians in English.

Allegation 2: The District discriminated against Latino students at Northern High School (Northern) on the basis of national origin with reasons related to ethnic hate crime.

Allegation 3: The District discriminated against a student at Northern when a teacher verbally and physically harassed student A based on national origin.

Allegation 4: The District discriminated against a group of Latin students at Roberts Park Middle School on the basis of national origin when the science teacher searched them out and videotaped them.

Allegation 5: The District was negligent in failing to conduct a thorough investigation on the basis of national origin by requiring her to produce a passport and immigrant visa in order to enroll in Hillside High School.

OCR initiated an investigation of the complaint under its authority to enforce Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000c and 2000e, and its implementing regulation, 34

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CFR Part 100, which prohibits discrimination on the basis of race or national origin in activities or programs that receive federal financial assistance. The District's denial of financial assistance from the Department and therefore is subject to the provisions of Title VI.

The Title VI implementing regulations at 24 CFR 100.7(d) and (h) provide that a recipient of Federal financial assistance may not directly or through contractual or other arrangements on the ground of race, color or national origin exclude persons from participation in its programs, deny them any service or benefit of its programs, or provide any service or benefit which is different in a different manner from that provided to others. 100.7(d)(2) specifically provides that, in determining the types of services or benefits that will be provided, recipients may not utilize criteria or methods of selection which have the effect of excluding individuals on the basis of race or national origin.

On May 25, 2011, pursuant to its authority under Title VI, the Department of Education issued a memorandum entitled "Identification of Discrimination and Denial of Services on the Basis of National Origin" (35 Fed. Reg. 28,111, 1970). The memorandum states that Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of national origin in any program or activity that receives federal financial assistance. The memorandum states that schools that use English as a second language for students who are not native English speakers may be prohibited by Title VI. Schools are responsible for taking prompt and effective action to stop the harassment and prevent its recurrence. A school also has the responsibility of remedying the effects of the harassment on the students who were harassed.

National origin discrimination is a form of harassment based on a student's national origin. Harassment based on a student's national origin is sufficiently serious (severe, persistent, or pervasive) if it interferes with or impairs a student's ability to participate in or benefit from a school's program, it creates a hostile environment and may be prohibited by Title VI. Schools are responsible for taking prompt and effective action to stop the harassment and prevent its recurrence. A school also has the responsibility of remedying the effects of the harassment on the students who were harassed.


During the course of OCR's investigation, the complainant and the District reached a settlement agreement, and the complainant withdrew the individual allegations. The District expressed a willingness to resolve the remaining class issues. Pursuant to Section 302 of the OCR's Case Processing Manual, OCR discussed resolution options of the District with the complainant. On November 1, 2011, the District signed the resolution agreement. The complainant will resolve the remaining individual allegations. The provisions of the agreement are aligned with the issues raised in the complaint and are consistent with the purpose of OCR's investigation, and are consistent with applicable regulations. OCR will monitor implementation of the agreement.

OCR has reminded the District that it may not harass, discriminate, or retaliate against any individual because that individual filed a complaint or participated in a complaint resolution process. If this happens, an individual may file another complaint alleging such treatment. Also, under the Freedom of Information Act, it may be necessary to release any documents that are responsive to a request for information.

we will seek to protect the interest provided by any personal information that is released, could constitute an unwarranted invasion of privacy.

This letter is not an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by the appropriate authority. OCR officials have made available to the public. A complainant may have a right to file a lawsuit in federal court whether or not OCR finds a violation.

We appreciate your cooperation and assistance throughout the resolution of this complaint. If you have any questions, please call or write to contact Maria Pizca at (202) 452-5022 or Martha Amato at (202) 452-5022 or Sebastian Amar at (202) 452-5022 or Sebastian.Amar@ed.gov.

Sincerely,  
  
Maria Pizca  
Team Leader  
District of Columbia Office  
Office for Civil Rights

Enclosure