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## OCR Letters

June 18, 2002

Dr. Estanislado Y. Paz  
Superintendent  
Tucson Unified School District  
1010 East 10th Street, P.O. Box 40400  
Tucson, Arizona 85717

Re: Case Number 08011157-D

Dear Dr. Paz:

On July 23, 2001, a complaint was filed with the U.S. Department of Education, Office for Civil Rights (OCR), against Tucson Unified School District (District), alleging that the District discriminates against national-origin - language-minority parents and English language learner students by failing to communicate with them in a language they understand. Specifically, the complaint alleges that the District has not ensured meaningful communication with the students, and that the District fails to communicate with two schools' students and parents in a language that they understand. This complaint was also filed with the U.S. Department of Health and Human Services; Office for Civil Rights (HHS) and the District has entered into a separate Resolution Agreement with HHS that addresses the Family Resource and Wellness Centers.

OCR is responsible for enforcing Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the bases of race, color, or national origin in activities and programs that receive Federal financial assistance from the U.S. Department of Education, and its implementing regulation.

With respect to the allegation involving effective notice to students, the Title VI implementing regulation at 34 C.F.R. § 100.3(a) and (b) provides that recipients 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 the benefits of its programs, or subject them to separate treatment. Based on the general prohibitions of different

treatment under Title VI, notices provided to all students must be provided to LEP students in a language and mode of communication that they understand. With respect to the allegation involving effective notice to parents, a Department policy document, the May 25, 1970 memorandum to school districts, Identification of Discrimination and Denial of Services on the Basis of National Origin, 35 Fed. Reg. 11,595, specifically provides that school districts have the responsibility to adequately notify national-origin minority group parents of school activities that are called to the attention of other parents, and that such notice in order to be adequate may have to be provided in a language other than English.

In an effort to most effectively ensure meaningful access to its educational programs and services, the District acknowledged the need to address this Districtwide. On June 7, 2002, we received the enclosed written Commitment to Resolve (Commitment). This case is being closed subject to the successful completion of the written Commitment, which will be monitored by OCR. If the District does not follow the terms of the Commitment, OCR will reopen the case and resume the investigation. The District additionally recognizes its on-going responsibility to provide access and meaningful educational opportunities for ELL students through the provision of alternative language program services, and this is currently addressed in the implementation and monitoring of the agreement for OCR case number 08955002.

Federal regulations prohibit intimidating or retaliating against anyone who files a complaint with our Office or who takes part in an investigation. Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personal information, which if released, could constitute an unwarranted invasion of privacy.

OCR appreciates the cooperation we received from you, Mr. Michael Tully, and the Ad Hoc Committee in processing this complaint. If you have any questions regarding the resolution of this case, please contact me at (303) 844-4568, or Angela Martinez-Gonzalez at (303) 844-6083. For questions regarding the monitoring of the Commitment, please contact Patty Perez at (303) 844-4540.

Sincerely,

J. Aaron Romine  
Supervisory Team Leader

Enclosure

cc: Michael Tully  
TUSD Equal Opportunity Specialist

Jaime A. Molera  
Superintendent, Arizona Department of Education

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**Commitment to Resolve  
Tucson Unified School District (AZ) - Case Number 08011157**

The U.S. Department of Education, Office for Civil Rights (OCR) received a complaint alleging that Tucson Unified School District (District) discriminates against national-origin language-minority parents and English-language learner (ELL) students by failing to communicate with them in a language they understand.

The District submits this agreement to voluntarily resolve the allegations involved in this complaint, with the understanding that there is no finding of violation or noncompliance by OCR. Additionally, the District recognizes its on-going responsibility to provide access and meaningful educational opportunities for ELL students. The provision of these services is currently addressed in the implementation and monitoring of the agreement for OCR case number 08955002.

The District agrees to take the following actions to resolve the allegations raised in the complaint and address this issue on a District-wide basis:

1. General Policies and Procedures:

The District will develop a written plan with procedures to ensure meaningful communication with ELL students and language-minority parents. The plan will specify how the District will provide language assistance and address all provisions of this agreement. The District will provide OCR with a copy of its draft plan and written procedures for review.

By August 30, 2002 the District will adopt the approved plan and implement the written procedures to ensure meaningful communication with ELL students and language-minority parents.

By October 1, 2002, the District will develop a plan to ensure periodic self-monitoring of implementation of the procedures. The plan will address the provisions of this agreement, including an annual review of procedures, annual staff training to ensure staff awareness of and compliance with the agreement's obligations, and semi-annual review of its listing of interpreters and interpreter resources to ensure accuracy.

2. Notification to Parents:

By August 30, 2002, the District will establish methods to notify all parents, including language-minority parents, of the Plan's procedures referenced in Agreement Term (1) above. The notification will also provide parents with a District point of contact for any questions regarding the Plan and for assistance in accessing interpreter services or translated documents. The notification will be provided in the language understood by the students and parents. For prominent language groups, as determined by the District through its annual student count, the District will provide written translation of the Plan. Notification will be completed by October 1.

3. Assessment of Language Needs: By August 30, 2002, the District will identify ELL

students and language-minority parents who, based on ELL lists, PHLOTE lists and registration forms, require interpretation and translation services.

#### 4. Staff Notice and Training

a. By August 30, 2002, the District will notify appropriate teachers and administrators of the names of their national-origin minority students and parents, as defined in Term 3, who require translation and interpreter services.

b. By August 30, 2002, the District will train appropriate staff on District procedures for identifying national-origin minority ELL students and language-minority parents, and on the District policies, regulations, and procedures for serving LEP students. Staff training will consist of: when and how to obtain qualified language assistance, the importance of effective communication with PHLOTE/ELL individuals, use of interpreters when staff receive or make calls to PHLOTE/ELL individuals, the impact of ethnic and cultural differences on effective communication, and applicable record-keeping procedures and reporting obligations.

5. Interpreters: By August 1, 2002, the District will update its list of interpreters who are proficient in the languages spoken by students and parents in the District, and ensure that all staff members are aware that these interpreters are available. Further, the District will have in place contracts or other arrangements with professional agencies/organizations that will promptly provide qualified in-person interpreters and telephone interpreter services when District bilingual staff and interpreters on the District list are not readily available.

6. Competency of Interpreters: The District will ensure that all persons on its list of interpreters are competent to provide interpreter services. The District will develop and implement a procedure for assessing and evaluating the competency level for all persons who serve as interpreters, including volunteers and District employees. The District will ensure that all persons on its list of interpreters have been appropriately trained regarding the role of interpreter, the ethics of interpreting, and the need to maintain confidentiality.

7. Self-Monitoring: By August 15, 2002, the District will maintain a log of interpreter services requested, including the primary language and the student/parent's names, the source of any interpreter used (e.g., bilingual staff, staff interpreters, contract interpreters, community volunteers, telephone interpreter lines), the reason for/purpose of the request, and the name of the interpreter. If no interpreter is provided, the log shall indicate the reason and document any attempts made to obtain a qualified interpreter. The District shall develop a procedure to track the log to ensure that the communication needs of the LEP students and language-minority parents are being effectively met through appropriate use of interpreters and translators.

8. Translation of Written Materials: For prominent language groups, as determined by the District through its annual student count, the District will provide, to the extent feasible, written translations to language-minority parents of those notices that are sent to other parents. The District confirms that it routinely provides to all parents certain documents. The District has determined that such documents should include the following:

1. Registration form
2. Emergency notification card
3. Home language inventory
4. Field trip permission form
5. Privacy policy
6. Letter from the Director of Health Services
7. Health services registration form
8. Report cards
9. Guidelines of Student Rights and Responsibilities
10. Notice of discipline to parents
11. Class schedule
12. Progress notes (glossary)
13. Specified Special Education forms
14. Specified Section 504 forms

Accordingly, by October 1, 2002, for these and other documents routinely provided, the District will make available to its schools written translations for appropriate distribution. For those languages that are less prominent or where translations are not feasible, the District will ensure that students and parents have been advised, in a language that they understand, of who to contact in the District if they need assistance in understanding notices or communicating with District staff.

9. Reporting Requirements: By August 30, 2002 the District will provide OCR with a copy of its approved plan and written procedures as described in Term 1. By October 15, 2002, the District will provide OCR with supporting documentation that all remaining terms above have been fully and timely implemented.

OCR may request additional reports and documentation until the District demonstrates full compliance with this agreement.

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Dr. Estanislado Paz, PhD.  
Superintendent, Tucson Unified School District