



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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DENVER, CO 80204-3582

REGION VIII  
ARIZONA  
COLORADO  
NEW MEXICO  
UTAH  
WYOMING

April 17, 2018

Dr. Arsenio Romero, Superintendent  
Deming Public Schools  
400 Cody Road  
Deming, New Mexico 88030  
*Via email only: XXX*

Re: Deming Public Schools  
OCR Case Number: 08-16-1219

Dear Superintendent Romero:

We are writing to advise you of the resolution of the above-referenced complaint that was filed with our office against Deming Public Schools (District). The Complainant alleged that the District discriminated on the basis of race and national origin. Specifically, the Complainant<sup>1</sup> alleged that, and the issues that OCR opened for investigation were whether, the District:

1. Discriminates against national origin minorities (Somali) when it fails to communicate effectively with and provide documents of school-related matters to limited English proficiency (LEP) parents in a language they understand,
2. Discriminated when it failed to communicate effectively and provide documents of school-related matters to the Student's mother in a language she understands (Somali),
3. Discriminates against national origin minority students (Somali) on the basis of LEP by not providing them services necessary to participate meaningfully in the District's educational program,
4. Discriminated on the basis of LEP (Somali) when it failed to provide the Student with services necessary to participate meaningfully in the District's educational program, and
5. Discriminated in its discipline of the Student and its referral of the Student to law enforcement.

The Office for Civil Rights (OCR) of the U.S. Department of Education (Department) is responsible for enforcing Title VI of the Civil Rights Act of 1964 and its implementing regulation at 34 Code of Federal Regulations Part 100, which prohibit discrimination on the basis of race, color, or national origin in programs and activities that receive Federal financial assistance from the Department. As a recipient of Federal financial assistance from the Department, the District is subject to this law and regulation.

Prior to an OCR site visit, the District indicated its desire to voluntarily enter into an agreement to resolve the allegations pursuant to Section 302 of the [Case Processing Manual](#). We determined that this case was appropriate for entering into an agreement without completing a full investigation of the complaint.

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<sup>1</sup> The Complainant is an Advocate who filed the complaint on behalf of a parent and student (Student) for whom she served as an Advocate.

On April 13, 2018, we received the signed Resolution Agreement, which is enclosed. We thank the District for being willing to voluntarily address the issues raised by the Complainant. When the Agreement is fully implemented, the allegations will be resolved consistent with the requirements of Title VI and its implementing regulations. OCR will monitor implementation of this Agreement through periodic reports demonstrating that the terms of the Agreement have been fulfilled. We will provide written notice of any deficiencies regarding implementation of the terms of the Agreement and will promptly require actions to address such deficiencies. If the District fails to implement the Agreement, we will take appropriate action, as described in the Agreement.

This concludes OCR's investigation of this complaint and should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. The case is now in the monitoring phase. The monitoring phase of this case will be completed when OCR determines that the District has fulfilled all terms of the Agreement. When the monitoring phase of this case is complete, OCR will close this case and will send a letter to the District, copied to the Complainant, stating that this case is closed.

This letter sets forth OCR's determination in 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 a duly authorized OCR official and made available to the public. The complainant may have a right to file a private suit in federal court whether or not OCR finds a violation.

Individuals filing a complaint or participating in our resolution process are protected from retaliation by Federal law.

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.

Thank you for the courtesy and cooperation you extended to us during the investigation of this case. If you have any questions, please contact XXX.

Sincerely,

/s/

Thomas M. Rock  
Supervisory General Attorney

Enclosure: Resolution Agreement

cc (w/encl.): XXX, counsel for District

cc (w/o encl.): Secretary Christopher Ruszkowski, New Mexico Public Education  
Department