



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

915 2ND AVE., SUITE 3310
SEATTLE, WA 98174-1099

October 6, 2016

REGION X
ALASKA
AMERICAN SAMOA
GUAM
HAWAII
IDAHO
MONTANA
NEVADA
NORTHERN MARIANA
ISLANDS
OREGON
WASHINGTON

Dr. Duane Yecha
Superintendent
Crook County School District
471 NE Ochoco Plaza Drive
Prineville, Oregon 97754

Re: Crook County School District
OCR Reference No. 10161089

Dear Dr. Yecha:

This is to inform you that the U.S. Department of Education (Department), Office for Civil Rights (OCR) is discontinuing its investigation of the above-referenced complaint against Crook County School District (the district). As explained below, prior to completion of OCR's investigation, the district expressed an interest in voluntarily resolving the complaint and signed the enclosed Voluntary Resolution Agreement (Agreement) to address the complaint allegations. Specifically, the complaint alleged the following:

1. The principal of XXXXXXXXXXXX retaliated against XXXXXXXX (hereinafter "the teacher") after the teacher advised him in September 2015 that the teacher had assisted a student's family in filing a discrimination complaint with the Oregon Department of Education (ODE) Civil Rights office when the principal:
 - a. limited how the teacher could communicate with the other dual language teachers at the school and parents of English Language Learners (ELL);
 - b. refused to allow the teacher to attend a conference for teachers of ELL students while approving attendance for all other dual language teachers at the school;
 - c. denied the teacher's request for leave without pay to attend the ELL conference even though she had received approval to take leave without pay in the past; and

- d. submitted a letter of reprimand to the teacher's personnel file because she had applied to be a presenter at the ELL conference.
2. The district discriminates against students and families at XXXXXXXXX who have limited-English proficiency (LEP), on the basis of national origin, when these students and families are denied access to school activities because notifications to conferences, meetings, or school events are not provided in their primary language; and no translation services are provided to parents who contact the school's front office or who attend conferences, meetings, or school events.

OCR accepted this complaint for resolution under the authority of title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation at 34 CFR Part 100. This law prohibits discrimination on the basis of race, color, or national origin in programs and activities that receive federal financial assistance from the Department. The district is a recipient of federal financial assistance from this Department; therefore, it is required to comply with this law.

The regulation implementing Title VI at 34 CFR 100.7(e) prohibits a recipient from intimidating, threatening, coercing, or discriminating against an individual for the purpose of interfering with any right or privilege secured under Title VI, or because that person has made a complaint, testified, assisted, or participated in any manner in any investigation, proceeding or hearing. Title VI at 34 CFR 100.3(a) and (b)(i) – (ii) provides that a recipient may not, directly or through contractual or other arrangements, on the ground of race, color, or national origin deny an individual any service or benefit, or provide any service or other benefit which is different or provided in a different manner from that provided to others. Section 100.3(b)(2) provides that, in determining the types of services or benefits that will be provided, recipients may not use criteria or other methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin. School districts have the responsibility to adequately notify national origin-minority group parents of school activities which are called to the attention of other parents. Such notice, in order to be adequate, may have to be provided in a language other than English.¹

With respect to allegation No. 1, the evidence collected to date shows that the Complainant was not allowed to attend the annual conference for teachers of English learner students, was denied leave without pay, and a disciplinary letter was placed in a type of personnel file. There is also evidence to show that the district was employing a rotating schedule for staff members to attend the annual conference, and it had committed

¹ For further explanation, please see "Dear Colleague Letter: English Learner Students and Limited English Proficient Parents" (January 7, 2015) at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>.

to sending Complainant to the same conference during the following academic school year.

Regarding allegation No. 2, OCR received preliminary information from the district with respect to language assistance services it provides to staff, parents, and guardians. Information included a copy of the district's Home Language Survey form that is included as a part of every student's enrollment to the district, as well as documentation of a contractual arrangement with a local educational service district to provide translation and interpreter services. The district also acknowledged that it has not conducted recent training regarding how staff may access language assistance services for LEP parents.

In accordance with Section 302 of OCR's Case Processing Manual, a complaint may be resolved at any time when, before the conclusion of an investigation, the institution expresses an interest in resolving the complaint. In such a case, the provisions of an agreement to resolve the complaint must be aligned with the complaint allegations or any information obtained during the discontinued investigation and must be consistent with applicable regulations. In this case, the district requested to resolve the complaint prior to the conclusion of OCR's investigation. Subsequent discussions with the district resulted in the district signing the enclosed Agreement. The actions the district will take under the Agreement include the following:

- Develop and implement a formal written language assistance plan;
- Conduct annual evaluation of the language assistance plan to ensure the needs of staff and LEP parents with respect to the provision of language assistance are being met;
- Provide notice and training regarding the written language assistance plan to the school district community;
- Develop and adopt of policies, procedures, and a guidance document regarding prohibitions against retaliating toward persons engaging in activities protected under Title VI;
- Provide notice and training regarding the district's non-retaliation policy, procedures, and guidance document; and
- Provide complainant-specific remedies of a continuing education opportunity and revisions to documents contained in complainant's personnel file.

This concludes OCR's investigation of the complaint. OCR will monitor the implementation of the agreement and will close the complaint when OCR determines that the terms of the agreement have been satisfied. The first report under the agreement is due by December 31, 2016.

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 the right to file a private suit in federal court regardless of OCR's determination.

Please be advised that the district may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the complainant may file another complaint alleging such treatment.

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, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Thank you for the cooperation that you and your staff extended to OCR staff in resolving this complaint. If you have any questions, please feel free to contact Christina "Tina" Meade by telephone at (206) 607-1604 or by e-mail at christina.meade@ed.gov.

Sincerely,

/ s /

Kelli Lydon Medak
Supervisory Attorney

Enclosure: Voluntary Resolution Agreement