



## League of United Latin American Citizens

J. Michael Clára - President, Salt Lake City Council of LULAC

**To:** Elaine Tzourtzouklis - Salt Lake Teachers Association - President  
**From:** J. Michael Clára - Glendale School Community Council - Chair  
**Date:** 11 of April 2001  
**Subject:** Violation of the Civil Rights Act of 1964  
**cc:** Open Letter

Several days have passed since Glendale held it's last School Community Council Meeting. I continue to receive telephone calls and visits from parents and community members who were not present. Your actions at the meeting are spreading like wild fire in the Hispanic community. It is good fortune that I have an accurate record (tape recorder) of what happen.

Your words and actions at the Glendale School Community Council meeting on the 2 of April 2001 invite a response from me. The parents and community members present, consistently point out that the low point of the meeting was your attempt to get the teachers to walk out with you. It was fortunate that Area Director Kathleen Christy was in attendance and insisted that the teachers take their seats and remain in the meeting.

You stated that, it is the School Improvement Council (that is composed of a few teachers) that are charged with the responsibility of deciding which Educational programs will be at Glendale Middle School (you quoted from section 14.5.1 of the Written Agreement). You also pointed out to me that as the School Community Council Chair- my role is only to advise and suggest. At one point Area Director Kathleen Christy said to me, "okay you have advised, let's move on". My sense is, that is what you and the faculty would like to see happen. However, I am not moving on, I am staying here and going to beat the same drum, and maybe even quicken the tempo a bit.

To attempt to pigeonhole me into a role of "suggesting only" is contrary to the purpose of shared governance, On page 1 of the Shared Governance manual it states the following:

*Shared Governance ... is based on the philosophy that education is a responsibility of the public, and the public should be actively involved in exercising that responsibility. When parents, teachers, and staff participate actively in the governing of the schools, many advantages accrue"*

I will not rest until Glendale Middle School stops discriminating against limited-English proficient national-origin minority students (LEP students). The school is discriminating by failing to provide educational services that ensure that such students have equal and meaningful access to the District's program. The school is also not providing services to our students in a manner consistent with the requirements of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§ 794 (Section 504).

### **Background - Glendale Middle School**

- ✓ The average GPA is 1.97 (students)
- ✓ 49 % of our student body are classified as LEP students
- ✓ We have the lowest SAT scores (compared to other Jr. Highs in the Dist.)
- ✓ 75%-80% of Glendale's 8<sup>th</sup> graders will not graduate from our high schools.
- ✓ We have the highest % of suspensions (compared to other Jr. Highs in the Dist.)
- ✓ We do not offer Elementary Algebra or Geometry (compared to other Jr. Highs in the Dist.)

### **History - School Community Council Chair**

#### **November 2000**

- I pointed out to the Principal that the Alternative Language Master Plan for the District (passed by the school board in April 2000) stated that our School should have 12 ESL (English as a Second Language) endorsed teachers on campus. Why don't we have them?
- The Principal said that the District needs to give them to him.

#### **December 2000**

- I met with Superintendent Darlene Robles and Assistant Superintendent Cindi Ciedel. They told me that it was a site based (Shared Governance) decision to **not** have an Alternative Language Service program on campus.

#### **January 2001**

- Principal Larry Peterson and Assistant Principal Dave Roberts told me that there was no need for ESL Endorsed Teachers because the Title I Literacy program Success For All met the needs of the LEP students.
- This was echoed by the School Improvement Council (composed of a few teachers) at the School Community Council Meeting.

#### **February 2001**

- The Faculty attempted to vote me out of my position as School Community Council Chair.

## March 2001

- Principal Larry Peterson prohibited me from placing the ESL issue on the School Community Council Agenda.

## April 2001

- You attempted to have the teachers walk out of the School Community Council meeting.
- You stated that you support the teachers in not providing an appropriate ALS program for the LEP students.
- The School Improvement Council stated that they were not going to provide an appropriate ALS program for the LEP students until the District told them to.
- The Area Director and Vice Principal said that they were going to wait for the Office of Civil Rights (Department of Education) to tell them what to do.

**I do see the District and the School reacting to these issues. They are like the man who discovers he is on the wrong train, he runs down the isle in the opposite direction that the train is traveling, in an effort to compensate.**

**Congress** intended that under;

- ☆ Title VII of the Elementary and Secondary Act that students' educational civil rights are defined as the right to learn content matter as well as the right to learn English.

**The Courts** have been the other major force defining the educational rights of language minority students.

- ☆ In Lau v. Nichols (1974) the Supreme Court ruled that schools must provide limited English proficient students with "affirmative steps" in order to overcome language barriers. In this case, the court referred to Title VI of the Civil Rights Act, which bans discrimination, based "on the ground's of race, color, or national origin" in "any program or activity receiving Federal financial assistance".
- ☆ Castaneda v. Pickard (1981), the second major court case defining educational rights for language minority students, served to narrow the scope of what constitutes "affirmative steps". The judge ruled that an educational program for language minority children must follow three standards:
  - (1) It must be based on a "sound educational theory";
  - (2) It must be "implemented effectively" with adequate resources and personnel, and
  - (3) After a trial period, it must be evaluated as effective in overcoming language handicaps.

In this case, the legislation referred to by the Court was the Equal Educational Opportunities Act (EEOA) of 1974, which states that school districts must take "appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs."

**The Office of Civil Rights** (Department of Education) published the...

- ☆ May 1970 memorandum which states that schools must take affirmative steps to rectify national-origin minority students' language deficiencies where inability to speak and understand the English language prevents LEP students from effective participation in the district's program.
- ☆ The September 1991 memorandum states that a district should have procedures in place for identifying and assessing LEP students to ensure that all national-origin language-minority students who are unable to participate effectively in the mainstream instructional program, due to their limited proficiency in English, are receiving alternative language services. Thus, such procedures should be designed and implemented to ensure that a district identifies all national-origin language-minority students who are unable to speak, read, write, and understand the English language.

In a February 11, 2001 memo to Assistant Superintendent Cindi Seidel I said the following:

*"...The advocacy for culturally diverse students by the parents is being discouraged by the district's actions (in this case, the school itself). The implementation of genuine educational reform aimed at reversing years of discrimination requires parent participation, even if they only speak Spanish. I strongly believe that implementation of change is dependent on the extent to which you and the district redefine your roles with respect to culturally diverse students and communities. I am suggesting that the reversal of the pattern of school failure require that you and the district's interactions with parents be oriented towards empowerment, defined as a collaborative creation of power. I believe that culturally diverse students will succeed educationally to the extent that their parents and community are allowed to meaningfully participate in the decisions that effect their educational programs..."*

I repeat: In Lau v Nichols the **Supreme Court** ruled that students who are not fluent in English have a right to comprehensible instruction as a means of ensuring equal access to a public education. Failure to provide supplemental instruction, then, violates Title VI of the Civil Rights Act.

**Research** has shown that without an appropriate Alternative Language Program a pattern of failure develops:

- English Language Learners are more likely to be placed in remedial-general education tracks.
- ...Are less likely than students from other racial or ethnic groups to be enrolled in college preparatory math.

- ...Receiving no special language training inevitably fall behind in other subject matter while they struggle to learn English.
- ...May, over time, become fluent in oral English, but are not promoted with their peers, because they have missed several years of instruction in content areas; and
- ... Are rarely able to overcome this and are consequently, more likely to leave school before high school graduation

Sadly, this research is a reality in our school. The School Improvement Council which is composed of a few teachers, has refused to act, to remedy the discrimination.

**I pose the question to you, that awaits an answer:**

Why is the President of the Salt Lake Teachers Association stating that she will support the teachers (SIC) of Glendale Middle School in their practice of discriminating against limited-English proficient national-origin minority students (LEP students) by failing to provide educational services that ensure that such students have equal and meaningful access to the District's programs ?