

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. C-1499

WILFRED KEYES, et al.,

Plaintiffs

v.

CONGRESS OF HISPANIC EDUCATORS, et al.,

Plaintiffs-Intervenors,

v.

SCHOOL DISTRICT NO. 1, DENVER, COLORADO, et al.,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER COLORADO

OCT 25 1994

JAMES R. MANSPEAKER
CLERK

MOTION FOR CIVIL CONTEMPT

Plaintiff-Intervenors, The Congress of Hispanic Educators et. al. hereby move the Court for further Orders to assure that the Consent Judgment entered by the Court in 1984 and attached hereto as Appendix A is implemented according to the terms of the judgement. This motion is made pursuant to Rule 70 of The Federal Rules of Civil Procedure and this Courts inherent power to enforce its order as per Ex Parte Robinson 19 Wall, 505, 510, 22 L.Ed. 205 (1874).

The Plaintiff-Intervenors are informed and believe that the following sections of the decree have been violated:

Chapter One: Identification and Assessment

II D: Requisite Committees do not exist; students who indicate that their first language was English on the Home Language



Questionnaire but for whom a second language in the home may cause interference with English language learning (See Paragraph 1E) are automatically determined to be Lau "D" and thus not routinely protected by the Decree. Elementary students who score between the 30th & 40th percentile are not given Lau "C" status.

II F: The census is not published.

III A2: No committee deliberations are utilized.

IV B and Chapter 4 V B: Procedures for determining whether a student should be returned to a program required by the Decree subsequent to reclassification are not implemented.

Chapter Two:

II C, III B: These provision by their wording and by their clear intent mandate major responsibilities to be executed by the Department of Personnel Services to assure that the District adequately recruit Bilingual Teachers, both from within and outside the District, that they counsel Teachers about their responsibilities and that they monitor progress of Teachers hired who are not qualified bilingual teachers. To that end a person is to be designated as the focus of responsibility. Since 1990 such a person has not existed nor have the resources been allocated to execute these responsibilities in an appropriate manner.

II D: Teachers are assigned to Bilingual classrooms when a Teacher with a higher preference is available. Teachers who are not fully qualified ("Preference 1") are inadequately monitored to determine whether they are in fact making progress to become qualified within the two year time frame.

II E: The Department of Personnel Services permits unqualified persons to be assigned to designated bilingual classrooms through in-school transfers without an effort to recruit District wide or beyond.

II G: The required survey is not conducted.

III D 3: The receipt of a Certificate of Satisfactory Completion is not preceded by any assurance that the prospective Teacher has acquired any knowledge whatsoever.

III D: The In-Service Training Program is not "Contracted for with an institution of higher education".

III F 1: Programs and opportunities offered by the District to assist teachers acquire the Spanish language skills needed to be a Bilingual Teacher are wholly inadequate and effectively available only to a small portion of teachers in need.

IV B: The District does not require Bilingual Teachers who

lack Spanish skills to enroll in a language program nor does it monitor their progress in such a program.

IV F & G: The required notice is not posted annually.

VI G: The District does not maintain a ratio of one paraprofessional III for each ¹⁵ LEP pupil not served through a bilingual education classroom as is required by this section.

Chapter Three: Elementary Program

I B & II D: These provisions are not implemented in the following respects: There are children who do not receive the requisite amount of English as a Second Language instruction. The District does not maintain a student-teacher ratio of 15 to 1; plaintiff-intervenors are further informed and believe that there are LEP pupils who are not offered ESL opportunities as specified.

III B: A bilingual curriculum does not exist. The ESL aspect of the bilingual curriculum does not currently exist.

III E: Each bilingual and ESL Teacher does not have a copy of the curriculum or the relevant portions thereof.

III F: Adequate materials do not exist for implementing a bilingual or ESL curriculum.

IV and Chapter 4 IV B: The entire section has not been implemented.

V B: The requisite reports are not submitted to the District Wide Advisory Committee.

V C & D: Many schools do not have the requisite committees; others do not meet once a month.

VII A 1: No written plan exists to recruit non-Spanish speaking Teachers who can serve the needs of LEP non-Spanish speaking pupils.

Chapter 4: Secondary Program

I B: At least two (2) Junior High Schools, Kunsmiller and Skinner are required to provide a bilingual program in the core curriculum and are not doing so.

I C: The District does not provide all LEP students not in a bilingual program, with a core curriculum taught by a qualified ESL teacher. Those classes that exist have been permitted by District policy to exceed the 15-1 student-teacher ratio.

II A: There are two high schools which exceed the percentage of students which trigger a bilingual designation which

have not been so designated. They are Abraham Lincoln and South.

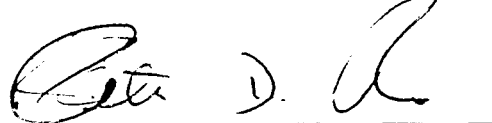
II B: Not all students receive the requisite number of hours of instruction; at certain schools. LAU C students remained unserved; the 15-1 ratio has been regularly abused, especially at South High School.

III D: The Guidance Counselor requirements are not being met in the following respects: There are no Guidance Counselors at Kunsmiller, Skinner, Lincoln, South, Baker, Grant, Horace Mann or Morey.

III D 1: No additional Counselors have been designated to serve Spanish speaking LAU A and B students.

III D 2: No plan to hire Asian Language Guidance Counselor has been developed or implemented.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Peter D. Roos", written over a horizontal line.

Peter D. Roos

Counsel for Congress of
Hispanic Educators et.al.-
Plaintiff-Intervenor