



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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SEATTLE, WA 98174-1099

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August 13, 2018

RECEIVED AUG 20 2018

Principal Christine Fitzsimmons  
Legacy Traditional School  
5024 Valley Drive  
North Las Vegas, Nevada 89031

Re: Legacy Traditional School  
OCR Reference No. 10171329

Dear Principal Fitzsimmons:

This letter is to inform you of the disposition of the above-referenced complaint filed against Legacy Traditional School (the school) with the U.S. Department of Education (Department), Office for Civil Rights (OCR). The complaint contained the allegation that the school discriminated, on the basis of national origin, against two students by requiring that they cut their hair as a condition of attending the school.

As explained below, prior to completion of OCR's investigation, the school expressed an interest in voluntarily resolving the complaint and signed the enclosed Voluntary Resolution Agreement (Agreement) to address the complaint allegation.

OCR investigated this case under the authority of Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation. This federal civil rights law prohibits race, color and national origin discrimination in programs and activities receiving federal financial assistance. The school is a recipient of federal financial assistance from the Department. Therefore, it is required to comply with this law.

The regulation implementing Title VI, at 34 C.F.R. § 100.3(a), requires that no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which the part applies.

OCR's investigation to date indicated that in January 2017, the two students, both of Niuean descent, were offered a spot at the school for the 2017-2018 school year. Prior to their enrollment, they were informed that in order to attend the school their hair would need to be cut to comply with the school's then-existing appearance code, and that no

exceptions to this policy could be made. The students enrolled in a different school rather than cut their hair, which each kept long according to a cultural practice. This gave rise to a concern by OCR that, by not making an exception to its then-existing appearance code with respect to the length of the students' hair, the school may have discriminated against them on the basis of national origin.

In accordance with Section 302 of the OCR *Case Processing Manual*, a complaint may be resolved at any time when, prior to the point OCR issues a final determination, the recipient expresses an interest in resolving the complaint allegations and OCR determines that it is appropriate to resolve them with an agreement. In light of the school's willingness to address the concern identified by OCR comprehensively without further investigation, OCR determined that entering into a voluntary resolution agreement was appropriate. Subsequent discussions with the school resulted in the school signing the enclosed Agreement, which, when fully implemented, will resolve the allegation in 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 August 20, 2018.

This concludes OCR's investigation of the complaint. The complainant may have the right to file a private suit in federal court regardless of OCR's determination.

Please be advised that the school 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 individual 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.

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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 David Kauffman, attorney, by telephone at (206) 607-1603 or by e-mail at david.kauffman@ed.gov.

Sincerely,

*Sarah Dunne for*

Kelli Lydon Medak  
Supervisory Attorney

Enclosure: Voluntary Resolution Agreement

cc: Nevada State Public Charter School Association

## VOLUNTARY RESOLUTION AGREEMENT

### I. INTRODUCTION

Legacy Traditional School – North Las Vegas (school) enters into this agreement (agreement) to resolve the allegation in a complaint (OCR Reference No. 10171329) filed with the U.S. Department of Education, Office for Civil Rights (OCR) under Title VI of the Civil Rights Act of 1964 (Title VI).

### II. RESOLUTION PROVISIONS

#### A. Policies and Procedures

1. Action Step: The school will review and revise its policies, procedures, and practices (procedures), as needed, to ensure that the school does not discriminate, as prohibited by Title VI, on the basis of national origin in its program or activities, including with respect to any dress or appearance code adopted by the school.
2. Reporting Requirements:
  - a. By 8-20-18, the school will submit to OCR for review and approval a draft of its procedures developed in accordance with section II.A. If OCR requires any changes to the procedures in order to comply with Title VI, the school will make the changes and resubmit the procedures within 30 calendar days of receiving OCR's notice of required revisions. OCR and the school will repeat this process until OCR has approved the procedures.
  - b. Within 60 calendar days of receiving OCR's written approval of the procedures, the school will provide OCR documentation demonstrating the school's adoption and implementation of the procedures. The documentation will include the date the procedures were implemented and the name of the individual(s) responsible for implementation.

#### B. Notice

1. Action Step: The school will provide written notice (notice) to all instructional and administrative employees at the school to inform them that the school does not discriminate, as prohibited by Title VI, on the basis of national origin. The notice must include the following:

- a. a description of any school procedures that were changed to ensure that the school does not discriminate, as prohibited by Title VI, on the basis of national origin in its program or activities, including with respect to any dress or appearance code adopted by the school; and
- b. the name and contact information for the individual(s) at the school responsible for ensuring that the school does not discriminate, as prohibited by Title VI, on the basis of national origin, along with instructions to school personnel that they contact the named individual(s) should they have any questions about the school's obligations to comply with Title VI.

2. Reporting Requirements:

- a. By 8-20-18, the school will submit to OCR for review and approval a draft of its notice developed in accordance with section II.B. If OCR requires any changes to the notice, the school will make the changes and resubmit the notice within 30 calendar days of being notified of OCR's required revisions. OCR and the school will repeat this process until OCR has approved the notice.
- b. Within 30 calendar days of receiving OCR's written approval of the notice, the school will provide OCR documentation demonstrating the school's distribution of the notice to all instructional and administrative employees at the school.

C. Training

1. Action Step: The school will provide training for the school's employees, including teachers, administrators, counselors, and other staff members, involved in enforcing any dress or appearance code at the school, regarding the procedures developed in accordance with section II.A. The training will include, at a minimum, information about Title VI; the school's procedures with respect to ensuring that the school does not discriminate, as prohibited by Title VI, on the basis of national origin, including with respect to any dress or appearance code adopted by the school; and contact information for the individual(s) at the school responsible for ensuring that the school does not discriminate, as prohibited by Title VI, on the basis of national origin.
2. Reporting Requirements:

- a. By 8-20-18, the school will provide to OCR for review and approval a copy of its proposed training for the school's employees developed in accordance with section II.C, including the name and qualifications of the individual(s) conducting the training, the method for providing the training, an outline of the topics to be covered at the training, and a copy of any training materials. If OCR requires any changes to the proposed training, the school will make the changes and resubmit the proposed training within 30 calendar days of receiving OCR's notice of required revisions. OCR and the school will repeat this process until OCR has approved the training.
- b. Within 60 calendar days of receiving OCR's written approval of the training, the school will provide OCR with documentation demonstrating that it has provided the training to the required employees, including a copy of all training materials, documentation of the date of the training, a copy of the attendance sheet, and the name and title of the trainer.

D. Student-Specific Actions

1. Action Step: The school will send a letter to the students' parent(s) or guardian(s) describing the school's commitment to ensuring that the school does not discriminate, as prohibited by Title VI, on the basis of national origin. The letter will also inform the students' parent(s) or guardian(s) that both Student 1 and Student 2 will be granted admission at the school in the appropriate grade for the 2018-2019 school year, and that Students 1 and 2 will be granted a waiver under the school's dress or appearance code as necessary to ensure that the school is not discriminating against Students 1 and 2 on the basis of national origin. The school will enclose with the letter a copy of the school's procedures for ensuring that the school does not discriminate, as prohibited by Title VI, on the basis of national origin in its program or activity, including with respect to any dress or appearance code adopted by the school. Should the school's procedures still be under revision at the time the school sends the letter to the parent(s) or guardian(s) of the students, the school may indicate that the procedures will be made available to the parent(s) or guardian(s) upon their finalization.
2. Reporting Requirements:
  - a. By 8-20-18, the school will provide to OCR for its review and approval a draft of the letter written in accordance with section II.D. If

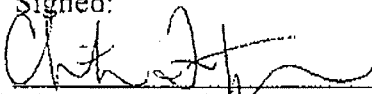
OCR requires any changes to the letter, the school will make the changes and resubmit the letter within 30 calendar days of receiving OCR's notice of required revisions. OCR and the school will repeat this process until OCR has approved the letter.

- b. Within 30 calendar days of receiving OCR's approval of the letter, the school will provide OCR with documentation demonstrating that it has mailed the letter to the parent(s) or guardian(s) of the students.

### III. GENERAL PROVISIONS

- A. The school understands that by signing this agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the agreement. Further, the school understands that during the monitoring of the agreement, if necessary, OCR may visit the school, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the school has fulfilled the terms of the agreement. Upon the school's satisfaction of the commitments made under the agreement, OCR will close the case.
- B. The school understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the agreement, OCR will give the school written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Signed:



Christine Fitzsimmons

Principal

Legacy Traditional School - North Las Vegas

8-6-18

Date