



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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SEATTLE, WA 98174-1099

August 10, 2018

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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,

Kelli Lydon Medak
Supervisory Attorney

Enclosure: Voluntary Resolution Agreement

cc: Nevada State Public Charter School Association