



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS, REGION IV

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ATLANTA, GA 30303-8927

REGION IV  
ALABAMA  
FLORIDA  
GEORGIA  
TENNESSEE

December 5, 2014

Mr. Josh Williams  
Head of School  
Tennessee Virtual Academy  
P. O. Box 26  
Maynardville, TN. 37807

Re: Complaint #04-14-1595

Dear Mr. Williams:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its investigation of the above-referenced complaint filed on May 21, 2014, against the Tennessee Virtual Academy (Academy), alleging discrimination on the basis of national origin (Argentinian) during spring 2014. The Complainant alleged that the Academy withdrew her three children (Students) from their program while they were out of the country without providing her an opportunity to provide documentation of continuing residency in Tennessee; finalizing the withdrawal decision after she provided subsequent documented proof of residency; and complied with a request that she provide the Students' visas.

OCR investigated this complaint pursuant to Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d *et seq.*, and its implementing regulation, 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin by recipients of Federal financial assistance from the Department. The Academy is a recipient of Federal financial assistance from the Department and is subject the law prohibiting discrimination on the basis of national origin. Accordingly, OCR has jurisdiction over this complaint.

Based on the allegation, OCR initiated an investigation of the legal issue of whether the Academy discriminated against the Students on the basis of national origin during spring 2014 by withdrawing the Students from the Academy while they were out of the country and subsequently requesting immigration documents as proof of residency, in noncompliance with the Title VI implementing regulations at 34 C.F.R. § 100.3(a) and (b)(1)(i)-(iv) and (2).

During the course of the investigation, the Academy voluntarily offered to resolve the complaint in accordance with Section 302 of OCR's *Case Processing Manual*. Pursuant to Section 302 of OCR's *Case Processing Manual (CPM)*, a complaint may be resolved when, before the conclusion of an investigation, the recipient or public entity expresses an interest in resolving the complaint. Based on the foregoing, OCR accepted the Academy's request and the Academy entered into the enclosed agreement (Agreement) which, when fully implemented, will resolve the issues in the complaint. The provisions of the Agreement are aligned with the complaint allegation and the information obtained during OCR's investigation.

OCR will monitor the Academy's implementation of this Agreement to ensure that it is fully implemented. If the Academy fails to fully implement the Agreement, OCR will reopen the case and take appropriate action to ensure compliance with Section Title VI.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If we receive such a request, we will seek to protect, to the extent possible, any personally identifiable information, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Intimidation or retaliation against complainants by recipients or public entities is prohibited. No recipient or public entity may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the laws OCR enforces, or because one has made a complaint, or participated in any manner in an investigation in connection with a complaint.

This concludes OCR's consideration of the complaint, which we are closing effective the date of this letter. If you have any questions regarding this matter, please contact Gerard C. Chasseau, General Attorney, at (404) 974-9368, or Wendy Gatlin, Compliance Team Leader, at (404) 974-9356.

Sincerely,

/s/

Cynthia G. Pierre, Ph.D.  
Regional Director

Enclosure