

TENNESSEE VIRTUAL ACADEMY, TN.
Complaint #04-14-1595
Resolution Agreement

Tennessee Virtual Academy (Academy) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Atlanta Office. By this Agreement, the Academy commits to the following actions to resolve the allegations in the above-referenced complaint, and ensure that the Academy's enrollment practices do not discriminate based on national origin, in violation of Title VI of the Civil Rights Act of 1964 (Title VI), 42 United States Code (U.S.C.) § 2000(d), and its implementing regulation at 34 Code of Federal Regulations (C.F.R.) Part 100.

The Academy voluntarily commits to complete the following actions by the indicated dates:

ENROLLMENT POLICIES AND PRACTICES

ITEM 1

- (a) By **January 14, 2015**, the Academy will develop a policy to ensure that Academy staff and personnel do not make verbal or written requests for Federal immigration documents to be included as proof of residence in the District or State. The Academy will ensure that this prohibition is included as part of its enrollment policy and will submit the draft modified policy for OCR's review and approval.
- (b) By **January 14, 2015**, the Academy will modify its list of documents required as proof of age to include documents such as, a religious, hospital, or physician's certificate showing date of birth; an entry in a family bible; an adoption record; an affidavit from a parent; a birth certificate; or previously verified school records. The Academy will submit the draft modified document for OCR's review and approval.

REPORTING REQUIREMENT: By February 13, 2015, the Academy will submit a copy of the draft policy modified pursuant to **Item 1(a) and (b)** for OCR's review and approval prior to publishing the modified policy.

ITEM 2

Within 30 days of OCR's approval of the policy modified in accordance with Item 1(a) and (b) above, the Academy will publish the revised enrollment policy and list of documents required as proof of age in both English and Spanish on the Academy's website and in any other handbook or publication where the Academy's enrollment policy typically appears. In addition, the Academy will include a letter in both English and Spanish with the student registration packets that explicitly points out the changes in the enrollment policy and documentation required as proof of age. The Academy will also issue a public statement in both English and Spanish about the new enrollment policy and proof of age targeted to reach parents who may have previously been discouraged from enrolling their children in the Academy under the Academy's prior enrollment policy. The Academy agrees the modified policy will be made

available to students, parents and guardians in other languages, as needed, via translation or interpretation.

REPORTING REQUIREMENT: Within 15 days of publishing the modified policy, the Academy will provide OCR with documentation demonstrating that it has complied with **Item 2** above, including documentation regarding how the Academy notified staff, students and parents of the modified enrollment policy; a link to the Academy’s website where the modified enrollment policy is published; a copy of each Academy handbook or publication (including an insert) where the modified enrollment policy appears; and a copy of the letter included in the student registration packet regarding the modified enrollment policy. The Academy will also submit documentation showing that it made a public statement about the new enrollment policy and how and where the statement was published.

ITEM 3

By **December 5, 2014**, the Academy will **(a)** issue a notice to its staff that submission of a social security card is not required for enrollment in the Academy; and **(b)** revise its enrollment documents, admissions policies and information packages to provide notice to prospective parents or guardians that submission of social security cards is voluntary and refusing to provide it will not bar a student from enrollment, and explain for what purpose the number will be used.

REPORTING REQUIREMENT: By December 12, 2014, the Academy will provide documentation to show its compliance with **Item 3**.

STUDENT FOCUSED REMEDIES

ITEM 4

By **December 5, 2014**, the Academy will send a letter of apology to the Complainant for requesting Federal immigration documents.

REPORTING REQUIREMENT: By December 12, 2014, the Academy will provide OCR with a copy of the signed letter sent to the Complainant.

ITEM 5

By **January 14, 2015**, **(a)** the Academy will allow the Students to re-enroll in its programs and allow the Complainant to provide updated enrollment information if needed. The Complainant will not be required to provide any documentation pertaining to immigration status; and **(b)** the Academy will also allow the Students to make up work from the withdrawal date (April 25, 2014) forward and upon successful completion of the work will deem the Students to have met all requirements for completion of the grade in which they were enrolled during the 2013-2014 school year and promotion to the next grade.

REPORTING REQUIREMENT: By **February 13, 2015**, the Academy will provide OCR with documentation demonstrating that it allowed the Students to re-enroll in the program and whether updated documentation was required and/or provided; whether the Students were allowed to make up work missed from the withdrawal date forward, and whether the Students were promoted to the next grade. If the Students did not re-enroll, please state the reason for not re-enrolling, if known.

TRAINING

ITEM 6

By **February 27, 2015 and annually thereafter**, the Academy will provide training to its admissions staff on Title VI's prohibition against discrimination on the basis of race, color and national origin with respect to student enrollment and the Title VI prohibition on different treatment on the basis of national origin.¹ The training content will also include the changes to the Academy's enrollment policies and practices made in accordance with this Agreement.

REPORTING REQUIREMENT: Within 15 calendar days of the training, the Academy will provide OCR with documentation demonstrating that it has complied with **Item 6** above, including the following:

- (a) the date of the training;
- (b) copies of handouts distributed to the training participants;
- (c) the name(s) and title(s) of the individual(s) who conducted the training; and
- (d) sign-in sheets with the name and title of each employee or the number and job title(s) of employees who participated in the training.

The Academy 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 this Agreement. Further, the Academy understands that during the monitoring of this Agreement, if necessary, OCR may visit the Academy, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Academy has fulfilled the terms of this Agreement and is in compliance with Title VI and its implementing regulations at 34 C.F.R. Part 100.

The Academy understands that OCR will not close the monitoring of this agreement until OCR determines that the Academy has fulfilled the terms of this Agreement and is in compliance with the provisions of the regulation implementing Title VI at 34 C.F.R. §§ 100.3(b)(2), 100.3(a) and (b)(1)(i)-(vi).

¹ See attached OCR and the U.S. Department of Justice's May 8, 2014, Dear Colleague Letter for use during training.

The Academy understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10) or judicial proceedings to enforce this Agreement, OCR shall give the Academy written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

/s/

12/5/14

Principal or Designee

Date