

Response to Recent News Release by Mr. Silverio Garcia

Some time ago, Mr. Silverio Garcia filed a complaint with the U.S. Department of Education charging that the District was discriminating against students and parents. He identified two reasons for the charge. First, he said that people with a limited ability to speak or understand English were shut out of Governing Board meetings because translation was not offered. Second, Mr. Garcia complained that students applying to our two charter schools were being improperly asked for information about their citizenship status.

Before the complaint was filed, the District had already added Google Translate to its Governing Board documents and posted a notice that if requested in advance, translation services would be provided for any Governing Board meeting. After the complaint was filed, the district implemented Google Translate on its charter school websites. The U.S. Department of Education looked at this proactive stance and dismissed this part of the complaint.

The second complaint was that our high schools ask students for evidence of lawful presence in the United States. This would be illegal if they were only high school students, but they are not. The opportunity to enroll concurrently in high school and college and receive college credit is the chief reason students attend our charter schools. Although high school courses are offered free, tuition is charged for the college courses and the students are truly college students. Arizona and U.S. laws require college students who apply for in-state tuition rates and public financial aid to prove that they are lawfully present in the United States. The district believes the questions asked were lawful in every respect. No student has ever complained to us about the questions, and neither Mr. Garcia nor the Education Department's Office of Civil Rights (OCR) investigators have ever identified a student who claimed his or her rights were violated. The OCR made no findings that student rights were violated.

We have never required students to enroll in college courses, but we know of no students who want to attend our schools who do not want the major advantage we offer. However, recognizing the possibility there might be such a student who could be deterred by the lawful presence question, the District requested a resolution of the matter without further investigation. This took the form of a document in which it formally agreed to provide certain charter school materials in Spanish as well as English (as the schools have always done) and to clarify materials so that charter school students know they do not

have to enroll in college courses and seek financial aid (and thus disclose whether or not they are lawfully present) in order to attend the charter schools. The Education Department agreed that this was a reasonable solution, and told the District that it would monitor our compliance with it.

The press release issued by Mr. Garcia is misleading, because the Education Department never issued any findings against the District at all. We were not found to have discriminated against anyone or to have violated any applicable rule. In fact, the Education Department praised the District's cooperation and proactive approach to finding solutions.