



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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DENVER, CO 80204-3582

REGION VIII
ARIZONA
COLORADO
NEW MEXICO
UTAH
WYOMING

October 22, 2013

Mr. Earl Taylor
Principal
Heritage Academy
32 South Center
Mesa, Arizona 85210

Re: **Heritage Academy**
OCR Complaint 08-13-1181

Dear Mr. Taylor:

On April 30, 2013, we received a complaint alleging that Heritage Academy (Academy) discriminated on the basis of disability. We are notifying you of the resolution of this case. The Complainant alleged that the Academy failed to implement the Student's Section 504 Plan by: (1) not providing a note taker, and (2) not providing extra time to complete assignments and exams. The Complainant also alleges that because of the Student's disability she was disenrolled from school two weeks prior to commencement and graduation for non-attendance resulting in her not being allowed to participate in commencement and graduate.

We initiated our investigation under Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the Department, and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. The Academy is subject to these laws and regulations.

The Academy indicated its willingness to voluntarily enter into a resolution agreement (Agreement) on October 1, 2013, to take steps needed to ensure its compliance with Section 504, Title II, and their implementing regulations. Pursuant to Section 302 of our *Case Processing Manual*, a complaint can be resolved when, before the conclusion of an investigation, a recipient agrees to resolve the allegations and OCR has determined that the case is appropriate for resolution during the investigation and has been approved by the Office Director or his designee. OCR has determined that this case is appropriate for a Section 302 Agreement. The Academy has voluntarily entered into this Agreement. The Agreement addresses the allegations in this case related to the provisions of providing notice of the Section 504/Title II Compliance Officer, the development of grievance procedures, Section 504 policy and procedures for identifying and providing services to students with disabilities to ensure compliance with the requirements of Section 504, and providing training to all staff of the requirements of Section 504 and Title II to include the Academy's obligation to identify, evaluate, and provide appropriate disability-related aids and services to students with disabilities.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

We will monitor the Academy's implementation of the Agreement until all provisions have been satisfied. A copy of the Agreement is enclosed. We will also keep you and the Complainant informed of monitoring activities related to the case.

This concludes OCR's investigation of this complaint and should not be interpreted to address the Academy's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. Accordingly, we are closing the investigation of this complaint effective the date of this letter.

This letter sets forth OCR's determination in individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

Please be advised that the Academy 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 Complainant may file another complaint alleging such treatment. In addition, the Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

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. If OCR receives such a request, we will protect personal information to the extent provided by law.

If you have any questions regarding this letter, please feel free to contact XXXX, Equal Opportunity Specialist and the primary contact at XXXX or by email at XXXX.

Sincerely,

/s/

Angela Martinez-Gonzalez
Supervisory General Attorney
Office for Civil Rights

Enclosure: Resolution Agreement

cc: Honorable John Huppenthal
Arizona State Department of Education