



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1244 SPEER BLVD, SUITE 310
DENVER, CO 80204-3582

REGION VIII
ARIZONA
COLORADO
NEW MEXICO
UTAH
WYOMING

February 3, 2015

Ms. Mary Ritter, President
Everest College - Phoenix
10400 N. 25th Ave
Phoenix, AZ 85021

Re: Everest College - Phoenix
Case Number: 08-14-2054

Dear President Ritter:

We are notifying you of our decision in this case. The Complainant alleged Everest College (College) discriminated on the basis of disability. Specifically, the Complainant alleged, on November 4, 2013, the College informed her that she was not allowed to continue enrollment at the College because her high school diploma was based on special education remedial courses she had taken. The Complainant also alleged the College discriminates on the basis of disability in admissions by denying admissions to individuals who, because of disability, received a high school diploma based primarily on remedial special education in general education courses.

We initiated an investigation of this complaint pursuant to 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. As a recipient of Federal financial assistance, the College is subject to this law and regulation.

During our investigation and before we had made findings, the College indicated its desire to voluntarily enter into an agreement to resolve the allegations and to ensure compliance with Section 504 and its implementing regulation. Pursuant to Section 302 of OCR's *Case Processing Manual*, a complaint may be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the complaint, OCR believes that doing so is appropriate, and the remedies align with the allegations.

On January 26, 2015, we received the College's signed Resolution Agreement (enclosed). OCR is closing the investigative phase of this case effective the date of this letter. The case is now in the monitoring phase. OCR will closely monitor the recipient's implementation of the Agreement to ensure that the commitments made are implemented timely and effectively and that the recipient's policies and practices are administered in a nondiscriminatory manner. When the Agreement is fully implemented, the allegations will have been resolved consistent with the requirements of Section 504 and its implementing regulation. If the College fails to implement

the Agreement, we will take appropriate action, which may include enforcement actions, as described in the Agreement.

OCR routinely advises recipients of Federal funds that Federal regulations prohibit intimidation, harassment, or retaliation against those filing complaints with OCR and those participating in a complaint investigation. Complainants and participants who feel that such actions have occurred may file a separate complaint with OCR.

Please also note 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 you have any questions or concerns, please feel free to contact XXXX, Equal Opportunity Specialist and primary contact for this case, at XXXX or by email at XXXX, or me at XXXX.

Sincerely,

/S/

Thomas M. Rock
Supervising General Attorney

Enclosure

cc: XXXX