



UNITED STATES DEPARTMENT OF EDUCATION
Office for Civil Rights

1244 SPEER BLVD., SUITE 310
DENVER, COLORADO 80204-3582

REGION VIII

ARIZONA
COLORADO
NEW MEXICO
UTAH
WYOMING

January 14, 2015

Dr. Denise Birdwell, Superintendent
Higley Unified School District
2935 South Recker Road
Gilbert, AZ 85295

Re: Higley Unified School District
OCR Case Number 08-14-1259

Dear Dr. Birdwell:

On September 5, 2014, we received a complaint alleging Higley Unified School District (District) discriminated on the basis of disability. On September 18, 2014, we notified you that we had accepted for investigation the allegation that the District discriminates against some people with disabilities who have attempted to access the District's website, because the website contain barriers to access for people with disabilities, including those with vision impairments.

We initiated an investigation of this allegation under Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 Code of Federal Regulations Part 104, and under Title II of the Americans with Disabilities Act and its implementing regulation at 28 C.F.R. pt. 35. As a recipient of Federal financial assistance from the U.S. Department of Education and a public entity, the District is subject to these laws and regulations. Additional information about the laws OCR enforces is available on our website at <http://ed.gov/ocr>.

During the course of processing this complaint, the District indicated its desire to voluntarily enter into an agreement to resolve the allegation pursuant to Section 302 of the *Case Processing Manual*. We reviewed this request and determined that it justified entering into an agreement without completing a full investigation.

On January 9, 2015, we received the District's signed Resolution Agreement (enclosed). When the Agreement is fully implemented, the allegation will have been resolved consistent with the requirements of Section 504 and its implementing regulation. We will monitor implementation of the Agreement through periodic reports demonstrating the terms of the Agreement have been fulfilled. We will promptly provide written notice of any deficiencies with respect to the implementation of the terms of the agreement and will promptly require actions to address such deficiencies. If the District fails to implement the Agreement, we will take appropriate action, which may include enforcement actions, as described in the Agreement.

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

OCR routinely advises recipients of Federal funds and public entities 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.

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

This concludes OCR's investigative phase of this complaint. We are closing the investigative phase of this case effective the date of this letter. This letter addresses only the issue above and should not be interpreted as a determination of the District's compliance or noncompliance with Section 504, Title II, and their implementing regulations in any other respect.

If you have any questions regarding this matter, please contact me at 303-844-4480.

Sincerely,

//s//

Mary Lou Mobley
National Disability Expert

cc: Heather R. Pierson, Esq.
Udall Shumway
1138 North Alma School Road, Suite 101
Mesa, Arizona 85201

Enclosure