



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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DENVER, CO 80204-3582

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January 8, 2014

Ms. Heidi Simms, Principal
Eagle Charter Prep
2450 W. South Mountain Ave.
Phoenix, AZ 85041

Re: Eagle College Preparatory School
OCR Case Number 08-15-1021

Dear Principal Simms:

I am pleased to inform you we have resolved this matter. On October 14, 2014, we received a complaint alleging Eagle College Preparatory School (School) discriminated against a class of persons with disabilities, especially those with vision impairments, on the basis of disability. Specifically the Complainant alleged that the School failed to ensure the accessibility to people with disabilities of the programs, services, and activities that were delivered via its website.

We began investigating the complaint pursuant to Section 504 of the Rehabilitation Act of 1973, and its implementing regulation at 34 Code of Federal Regulations (C.F.R.) Part 104, which prohibit discrimination on the basis of disability in programs or activities that receive Federal financial assistance from the U.S. Department of Education. Individuals filing a complaint, participating in an investigation, or asserting a right under Section 504 are protected from retaliation or intimidation by 34 C.F.R. § 104.61, which incorporates 34 C.F.R. § 100.7(e). The School receives Federal financial assistance from the Department and is therefore subject to this law and regulation.

During the course of processing this complaint, the School indicated its desire to voluntarily enter into an agreement to resolve the allegations and compliance concerns raised 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 December 29, 2014, we received the signed Resolution Agreement. When the Agreement is fully implemented, the allegation and compliance concerns will be resolved consistent with the requirements of Section 504 and its implementing regulation. OCR will monitor implementation of the Agreement through periodic reports demonstrating the terms of the Agreement have been fulfilled. We will provide written notice of any deficiencies regarding the implementation of the terms of the Agreement and will promptly require actions to address such deficiencies. If the School fails to implement the Agreement, we will take appropriate action, as described in the Agreement.

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

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

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: Kimberly R. Davis, Esq.
Udall Shumway
1138 North Alma School Road, Suite 101
Mesa, Arizona 85201

Enclosure