



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VIII

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January 25, 2018

Ms. Angie Johnson, Principal
Mountain West Montessori Academy
4125 West Foxview Drive
South Jordan, UT 84095

Re: Mountain West Montessori Academy
OCR Case Number: 08-17-1514

Sent by email only to: XXXXXXXXXXXXXXXXXXXXX

Dear Principal Johnson:

On September 28, 2017, we received a complaint alleging the Mountain West Montessori Academy (School) discriminated against Student A on the basis of his disabilities (xxxxxxx, xxxxxxxx xxxxxxxxx, xxxxxxx xxxxxxxxx).

Specifically, the complaint alleges that the School discriminated against Student A in the 2017-18 school year when it treated him differently than non-disabled students by requiring him sleep apart from his peers at the middle-school camp.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131-12134, and its implementing regulation, 28 C.F.R. Part 35. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance from the Department. Title II prohibits discrimination on the basis of disability by public entities. As a recipient of Federal financial assistance and a public entity, the School is subject to these laws.

During the processing of this complaint, OCR reviewed information provided by the Complainant and the School. OCR also spoke with the Complainant and School representatives. On December 20, 2017, the School informed OCR that it wished to resolve the complaint allegations. On January 23, 2018, prior to OCR making any findings of fact, the School signed an Agreement, which will address the issues raised in the complaint when the Agreement is fully implemented.

In accordance with Section 302 of the CPM, the provisions of the Agreement signed by the School on January 23, 2018, are aligned with the complaint allegations and the information obtained during OCR's processing of this case, and consistent with the applicable regulations. Therefore, OCR is closing this complaint investigation effective the date of this letter. OCR, however, will actively monitor the School's implementation of the Agreement until the School fulfills the terms of the agreement and is in compliance with the statutes and regulations at issue

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

in this case. If the School fails to implement the Agreement as specified, OCR may initiate administrative or judicial proceedings as described in the Agreement or resume its investigation of the initial allegations. A copy of the Agreement is enclosed.

Please be advised that the School 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. If OCR receives such a request, we will protect personal information to the extent provided by law.

If you have any questions, you may contact Patrick Alexander, the attorney assigned to this case, at (303) 844-3473 or by email at Patrick.Alexander@ed.gov.

Sincerely,

Sandra J. Roesti
Supervisory Attorney

Enclosure: Signed Resolution Agreement