



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VIII
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May 2, 2018

Tatyana Chayka, CEO
Academy of Math & Science, Inc.
1557 West Prince Road
Tucson, AZ 85705

By email only to: kchayka@amstucson.org

Re: Academy of Math & Science Prince and Academy of Math & Science MASSA
Case Numbers: 08-18-1171 and 08-18-1318

Dear Ms. Chayka:

This letter advises you of the resolution of complaints filed with our office alleging that the Academy of Math and Science (Academy) discriminates on the basis of disability. Specifically, the complainant alleged that the Academy denies people with disabilities access to programs and activities at Academy of Math and Science Prince (case number 08-18-1171) and Academy of Math and Science MASSA (case number 08-18-1318) by failing to provide:

At Academy of Math & Science Prince

1. An accessible route leading to and through the playgrounds at the School;
2. Raised perimeters around the playgrounds at the School which do not prevent access for individuals with disabilities;
3. A range of play activities within the playgrounds that are accessible to individuals with disabilities; and
4. An accessible surface(s) under the play components.

At Academy of Math & Science MASSA

1. An accessible route leading to and through the playgrounds at the School;
2. A range of play activities within the playgrounds that are accessible to individuals with disabilities;
3. An accessible surface(s) under the play components; and
4. An accessible route to the athletic field.

We began investigating the complaints 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 U.S. Department of Education, 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. As a recipient of Federal financial assistance from the Department and a public entity, the Academy is subject to these laws and regulations.

On or about April 25, 2018, prior to submitting a comprehensive data response in one case and an OCR site visit for both cases, the Academy indicated its desire to voluntarily enter into an agreement to resolve the allegations 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 of the complaints.

On May 2, 2018, we received the signed Resolution Agreement, which is enclosed. When the Agreement is fully implemented, the allegations will be resolved consistent with the requirements of Section 504, Title II, and their implementing regulations. 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 Academy fails to implement the Agreement, we will take appropriate action, as described in the Agreement.

We thank the Academy for voluntarily entering into an Agreement to resolve the accessibility issues. OCR is closing the investigative phase of this case effective the date of this letter. The case is now in the monitoring phase. The monitoring phase of this case will be completed when OCR determines that the Academy has fulfilled all of the terms of the Agreement. When the monitoring phase of this case is complete, OCR will close case numbers 08-18-1171 and 08-18-1318 and will send a letter to the Academy stating that this case is closed.

This letter sets forth OCR's determination in individual OCR cases. 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.

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 that complainants 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.

Thank you for the courtesy and cooperation you and your staff extended to us during the investigation of this case. If you have any questions or concerns, please feel free to contact XXXXXXXXXXXXXXXX, at XXXXXXXXXXXX or me at 303-844-5927.

Sincerely,

/S/

Thomas M. Rock
Supervising General Attorney

Enclosure – Resolution Agreement

cc: Ettore Strada, Special Education Director, District 504 Director, by email only

cc w/out enclosure: Honorable Diane Douglas
Arizona Superintendent of Public Instruction, by email only