



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

May 30, 2019

Dr. Reginald Barr
Chief Executive Officer
AmeriSchools Academy
1150 North Country Club Road
Tucson, AZ 58716

Sent via email to xxxx@amerischools.org

Re: AmeriSchools Academy
OCR Case Number: 08-19-1193

Dear Dr. Barr:

This letter advises you of the resolution of this complaint, filed against AmeriSchools Academy (the Academy). The Complainant alleged that the Academy discriminated against her son (the Student) on the basis of disability. Specifically, the Complainant alleged that the XXXX campus of AmeriSchools Academy failed to evaluate the Student for a Section 504 plan, despite having notice that the Student may be a student with a disability and in need of services under Section 504.

The Office for Civil Rights (OCR) of the U.S. Department of Education (Department) is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 Code of Federal Regulation 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.

In the initial stage of investigating this case, OCR has reviewed information provided by the Complainant, interviewed the Complainant, and discussed the allegations with the Academy's attorney. After reviewing this information, OCR learned the following:

- The Student was a XXXX at the XXXX campus in the fall of the 2018-19 school year.
- The Complainant requested a Section 504 plan for the Student, although OCR has not received documentation establishing when the request was made.
- The Academy did not evaluate the Student for a 504 plan, in part because it believed there was insufficient time between the request and the end of the semester, and the Complainant had already notified the Academy that she was going to withdraw the student and move to another city at the end of the semester.

During the course of our investigation, the Academy indicated its desire to voluntarily enter into an agreement to resolve the complaint allegations pursuant to Section 302 of our *Case Processing Manual*. On May 28, 2019, prior to OCR completing its investigation or making any findings of fact, the Academy signed an Agreement which, when fully implemented, will address the issues raised in the complaint.

In accordance with Section 302 of OCR's *Case Processing Manual* (CPM), the provisions of the Agreement signed by the Academy, when fully implemented, will address all of the allegations investigated and are consistent with 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 Academy's implementation of the Agreement until the Academy fulfills the terms of the agreement and is in compliance with the statutes and regulations at issue in this case. If the Academy 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 Academy 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 XXXX XXXX, the attorney assigned to this case, at (303) 844-XXXX or XXXX@ed.gov. You also may contact me at (303) 844-5942.

Sincerely,

Sandra J. Roesti
Supervisory Attorney

Enclosure: Signed Resolution Agreement

Cc: XXXX, Esq. (via email)