

**Resolution Agreement  
Ann Arbor Public Schools  
OCR Docket No. 15-13-1280**

Ann Arbor Public Schools (the District) submits the following agreement to the U.S. Department of Education, Office for Civil Rights (OCR), to ensure compliance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, and to resolve the above-referenced complaint. Accordingly, the District agrees to take the following actions:

**Individual Remedy**

- I. By February 3, 2014, the District will notify xxxxxxxx xxxxxxxxxxxx via letter that, should xxx wish to xxxxxxxxxxxx xxxx xxxxxxxxxxxxxxxxxxxxxxxx (the Student) in the District, the District will reconvene the Student's individual education program (IEP) team and ensure that each member of the IEP team is provided with an opportunity to provide meaningful input on any decisions regarding the Student's placement.

**REPORTING REQUIREMENT:** By February 3, 2014, the District will submit to OCR documentation demonstrating that it has implemented item I above, including any letter issued to the Student's parent.

**District-wide Remedies**

- II. By February 3, 2014, the District will modify all letters, informational materials, the District's Web site, and other information provided to parents about the District's lottery for admission to the District's Community High School to eliminate any statements advising or suggesting that special education services are not available at the Community High School or similar statements that might discourage students with disabilities from applying for enrollment at the Community High School.
- III. By February 3, 2014, the District will develop and submit to OCR for review written procedures for assigning students with disabilities to the District's Community High School that will ensure that students with disabilities whose lottery numbers entitle them to placement at the Community High School will have equal access to the specialized and unique programs and curricula available there. These policies and procedures will provide:
  - A. A statement of non-discrimination indicating that students with disabilities will be afforded an equal opportunity to attend the Community High School through the lottery; and
  - B. A procedure for ensuring that, when students with disabilities are selected through the lottery to attend the Community High School, the Community High School will promptly notify the special education department. The special education

department will convene an individualized education planning (IEP) or Section 504 team meeting to make an individualized determination as to: what services the student requires for a free appropriate public education (FAPE); whether the student can educationally benefit from the program offered at the Community High School; and, if so, what steps need to be taken to provide the student with FAPE at that school. Students will retain their lottery standing until the IEP or Section 504 process has been completed. Students will not be denied the opportunity to attend the Community High School unless the IEP or Section 504 team decides that they cannot participate in or benefit from the unique curriculum or programs offered there. Parents will be notified in writing that any such decision may be challenged through an impartial due process hearing. Decisions to deny enrollment will not be based on administrative considerations such as availability of special education classes or services at Community High School..

**REPORTING REQUIREMENT:** By February 3, 2014, the District will submit to OCR documentation to verify that it has implemented items II and III above, including copies of any revised informational materials for parents about school choice applications and the lottery for attending Community High School

- IV. Within 30 days of OCR's notification to the District that its procedures implement the requirements set forth in III above, the District will provide written notification to parents of students with disabilities that, effective the 2013-2014 school year, the attendance of students with disabilities at the Community High School through the lottery will be governed by these procedures and where copies can be obtained. In addition, the District will make sure that written information provided to parents with Community High School applications and on the District's web page is consistent with the District's new procedures.

**REPORTING REQUIREMENT:** By September 1, 2014, the District will provide OCR with documentation verifying that the new procedures have been implemented, including but not limited to: a copy of the final procedures, a copy of the notice issued to parents; a list of all students with disabilities who applied for enrollment to the Community High School since the date of this agreement; a list and summary of the IEP and Section 504 team meetings held pursuant to the new procedures; and a list of all students with disabilities enrolled in the Community High School for the 2013-2014 school year. For any students denied admission into the Community High School for reasons other than not being selected via the lottery, the District will provide an explanation for the denial.

- V. By September 1, 2014, the District will provide in-service training to staff responsible for administering the Community High School lottery program, the District's special education staff, and the administrative staff at the Community High School to ensure that they understand the nondiscrimination provisions of Section 504 and Title II, as well as the new procedures to be followed so that students with disabilities are not excluded from attending their schools of choice because of their disabilities

**REPORTING REQUIREMENT:** By September 1, 2014, the District will submit to OCR documentation to verify that it has implemented items V above, including the name and qualifications of the person(s) who provided the in-service training, the training agenda and any hand-outs used for the training, and the sign-in sheet with the names and titles of the attendees.

**GENERAL REQUIREMENTS**

The District understands that by signing this Agreement it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this Agreement OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Section 504 at 34 C.F.R. § 104.33, which was at issue in this complaint.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Section 504 at 34 C.F.R. § 104.33.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

/s/

12/2/2013

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Superintendent or designee

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Date