

RESOLUTION AGREEMENT
Detroit Public Schools Community District
OCR Nos. 15-15-1151 & 15-15-1336

Detroit Public Schools Community District (the District) agrees to resolve the allegation of discrimination in the above referenced complaints, filed with the U.S. Department of Education, Office for Civil Rights (OCR). The District submits this Resolution Agreement (Agreement) to ensure compliance with the requirements of Section 504 of the Rehabilitation Act of 1973, as amended, 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. §12132, and its implementing regulation at 28 C.F.R. Part 35. The District agrees to implement the actions set forth below:

Action Step 1

In order to ensure the program at the Detroit International Academy for Young Women (DIA) is readily accessible under Section 504 and Title II, the District will conduct a program and facility access review of the DIA and, based on that review, develop and implement a transition plan which addresses the nonstructural and structural changes needed to ensure program accessibility at DIA. Should the District receive a request for program access during the accessibility review and development of the transition plan, the District should take all measures possible that meet the individual needs of the requesting student to provide access to its program at DIA.

In order to effectuate the above, the District will do the following:

- A. By January 11, 2019, select a coordinator and a subcommittee to review program and facility access at DIA. Individuals selected may include regular and special education staff, staff with capital planning responsibilities, facilities managers, maintenance supervisors, members of local organizations of individuals with disabilities, architectural access professionals, and individuals responsible for planning and scheduling events.
- B. By February 25, 2019, the Coordinator will develop training materials to orient and/or train the individuals selected pursuant to A to ensure that all they are fully informed about the Title II and Section 504 requirements concerning program accessibility. Prior to providing the training, the District will submit the proposed materials for OCR review and approval.
- C. By February 25, 2019, the Coordinator will choose or create a self-evaluation survey instrument for the review, which will enable the District to identify structural and nonstructural barriers to program accessibility at DIA. Any survey instrument that is chosen should not only evaluate access for people with mobility-related disabilities but should also identify structural barriers for people with visual and hearing disabilities. Prior to executing the self-assessment, the District will submit the proposed materials for OCR review and approval.
- D. Within 30 days of OCR's approval of the District's materials pursuant to item B and C, the District will provide training and/or orientation to the individuals selected pursuant to A. OCR will be available as a resource to provide technical assistance during the training.

- E. Within 15 days of completing the training, the District will complete the self-evaluation using the survey instrument to identify architectural and program barriers at DIA.
- F. By July 1, 2019, after completion of the self-evaluation using the survey instrument, the committee will develop and submit for OCR review and approval a transition plan which identifies nonstructural and structural solutions for the removal of the program access barriers identified by the survey. The transition plan will include, at a minimum, the following:
 1. Plans to ensure the immediate implementation of nonstructural solutions to identified barriers, when needed, to include the following:
 - a. Reassignment of classes or other services/programs to an accessible area or accessible space within the DIA facility;
 - b. Provision of aides or paraprofessionals to assist DIA students with disabilities;
 - c. In choosing among available methods for meeting the program access requirement for the DIA facility, the plan will give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate. access to DIA programs.
 2. Plans to ensure that DIA provides for the architectural/structural access to DIA as necessary to ensure program accessibility. Architectural/structural access will include, at a minimum, the following:
 - a. accessible public and employee parking, if public or employee parking is provided;
 - b. accessible route(s) from the accessible public and employee parking to the DIA facility;
 - c. an appropriate number and distribution of accessible entrances into the DIA facility;
 - d. an appropriate number and distribution of accessible classrooms;
 - e. an appropriate number and distribution of accessible restrooms;
 - f. accessible cafeteria/food service area (if any);
 - g. accessible assembly area/auditorium;
 - h. accessible gymnasium/showers (if any);
 - i. an appropriate number and distribution of accessible drinking fountain(s);
 - j. accessible public telephones (if any); and,
 - k. accessible alarms.
 3. A timetable for completion of necessary structural modifications.
 4. Structural modification will be consistent with the Americans with Disabilities Act Accessibility Guidelines (ADAAG) or any other standards that provide equivalent or greater access.
 5. Documentation of fundamental alteration/undue burden decisions.
 6. Identification of the individual responsible for monitoring the plan's

implementation.

- G. Within 60 days of OCR approval of the transition plan submitted pursuant to E, the District will formally adopt and implement the transition plan, as well as provide notice of the plan's adoption to DIA staff and parents/guardians. The notice to DIA staff and parents/guardians will identify a District staff member that DIA staff and parents/guardians may contact if they have questions about the transition plan and DIA program accessibility, or the District's Section 504 and Title II obligations.
- H. By December 1, 2019, the District will submit documentation on progress made in implementing the transition plan.

REPORTING REQUIREMENTS

1. By February 25, 2019, the District will provide OCR documentation demonstrating implementation of items A, B, and C of Action Step 1. Documentation will minimally include the names and titles of the coordinator and committee members selected pursuant to item A. In addition, the District will provide for OCR review and approval, prepared training materials and the selected self-evaluation tool pursuant to items B and C.
2. By August 1, 2019, the District will provide OCR documentation demonstrating implementation of items D and E of Action Step 1. The documentation will minimally include a dated sign-in sheet from the orientation or training provided to the coordinator and committee members regarding Section 504 and Title II program accessibility requirements and a copy of the completed self-evaluation survey instrument.
3. By August 1, 2019, the District will submit to OCR, for review and approval, a copy of the transition plan it developed in response to the self-assessment survey, as developed and required by items F of Action Step 1.
4. Within 60 days of OCR's approval of the transition plan developed by the District, the District will provide documentation demonstrating that it has adopted the transition plan and issued the notice as required by item F of Action Step 1, to include a copy of the notice and where/how it was published or issued to DIA staff and parents/guardians.
5. By December 1, 2019, the District will submit documentation of progress made in implementing the transition plan, to include work orders for required structural/architectural modifications, invoices for completed structural/architectural modifications, and documentation of the immediate implementation of nonstructural solutions identified in the plan.

Action Step 2

- A. The District will revise its Summer Learning Academy (Academy) application for DIA to include the following statement:

“The DIA Summer Learning Academy provides reasonable accommodations for qualified students with disabilities. If you think your student will need reasonable accommodations to participate in the Summer Learning Academy, please state the

accommodations you are requesting and indicate the best time to contact you to discuss them.”

- B. The District will develop and submit for review and approval by OCR a written policy for DIA that includes the following statements:
1. The DIA ensures that it will not exclude qualified students with disabilities from participation in its Summer Learning Academy (Academy) unless it can demonstrate that admission of such students with reasonable accommodations would result in either a fundamental alteration of the services, programs, or activities offered by the Academy or would result in an undue financial or administrative burden.
 2. In considering whether a reasonable accommodation is legally required, the administrator responsible for the operation of the Academy or the administrator’s designee will engage in an individualized inquiry to determine what reasonable accommodations are necessary to allow the qualified student with a disability to participate in the Academy’s services, programs, and activities. Such individualized inquiry may include, for example, a review of the student’s application requesting accommodations, a discussion with the student’s parent or guardian, a discussion with the student (if appropriate), a discussion with Academy staff familiar with the student, and an examination of relevant documentation (e.g., 504 plans, individualized education programs, medical documentation). If reasonable accommodation is determined to be necessary, the Academy will provide the reasonable accommodation unless doing so would result in either a fundamental alteration of the services, programs, or activities offered by the Academy or result in an undue financial or administrative burden. Assertions of fundamental alteration of services, programs or activities may only be made by the administrator responsible for the operation of the Academy or the administrator’s designee and must be accompanied by a written statement of the reasons for reaching that conclusion.
 3. Assertions of undue financial or administrative burden may only be made by the administrator responsible for the operation of the Academy who has budgetary authority over the Academy after considering all resources available for use in the funding and operation of the Academy, and must be accompanied by a written statement of the reasons for reaching that conclusion, including the cost of meeting the requirements and the available funding and other resources. Written statements will be certified by the administrator.
 4. Determinations regarding reasonable accommodation requests will be communicated in writing to the parents or guardians of students requesting such accommodations.

REPORTING REQUIREMENTS

6. By January 11, 2019, the District will submit the revised application developed pursuant to item A of Action Step 2 and the draft policy developed pursuant to item B of Action Step 2 to OCR for review and approval.

7. Within, 45 days of OCR's approval of the policy submitted pursuant to item B of Action Step 2, the District will provide documentation of DIA's publication of the policy.
8. By August 1, 2019, the District will submit a copy of the application provided to parents as well as documentation regarding any students with disabilities who applied to participate in the DIA Summer Learning Academy during summer 2019 and requested reasonable accommodations and DIA's response to such requests (e.g., documentation of the agreement to provide reasonable accommodations or documentation of the reasons reasonable accommodations were denied, as provided for by the policy).

Action Step 3

- A. By January 11, 2019, the District's Section 504 Coordinator will draft and disseminate a memorandum addressed to all DIA administrators and guidance counselors. The memorandum will, at minimum, clearly state:
 1. That the District cannot require a parent/legal guardian to obtain and/or pay for a medical assessment for a DIA student; and,
 2. That DIA staff cannot exclude a student from DIA based on a belief or concern that the student poses a health or safety risk to self.

REPORTING REQUIREMENTS:

9. By January 11, 2019, the District will provide OCR with a copy of and documentation confirming the dissemination of the memorandum in Action Step 3. Documentation shall include a copy of the memorandum, a list of the memorandum's recipients and a description of the method of dissemination for the memorandum, to include a copy of any emails, if such medium is used.

General Requirements

The District understands that by signing the Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the recipient understands that during the monitoring of the Agreement, if necessary, OCR may visit the recipient, 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 the Agreement. Upon the District's satisfaction of the commitments made under the Agreement, OCR will close the case.

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

The Agreement will become effective immediately upon the signature of the District's representative below.

 /s/
Superintendent or Designee
Detroit Public Schools Community District

 10/11/2018
Date