



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION XV

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MICHIGAN
OHIO

May 8, 2019

Ms. Kristian Shore
Assistant Director
Department of Equity, Advocacy and Civil Rights
Detroit Public Schools Community District
3011 W. Grand Blvd., 14th Floor
Detroit, Michigan 48202

Re: OCR Docket No. 15-19-1152

Dear Ms. Shore:

This letter is to notify you of the disposition of the above-referenced complaint filed on January 14, 2019, with the U.S. Department of Education (Department), Office for Civil Rights (OCR), against Detroit Public Schools Community District (the District). The complaint alleged that the District discriminated against a student (the Student) on the basis of disability xxxxx xxxxxxxxxxxxxxxx xxxxxxxxxxxxxxxx, when the District failed to implement the Student's Section 504 Plan at the District's xxxxxxxxxxxxxxxx xxxxxxxxxxxxxxxx xxxxxxxxxxxxxxxx (the school). Specifically, the complaint alleged:

[X--- paragraph redacted---X]

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of federal financial assistance. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 *et seq.*, 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 as a public entity, the District is subject to these laws.

Based on the complaint allegations, OCR opened an investigation of the following legal issue: whether the District denied a qualified student with a disability a free and appropriate public education (FAPE) in violation of the Section 504 implementing regulation at 34 C.F.R § 104.33.

During its investigation to date, OCR reviewed information provided by the Student's parent (the parent) and the District. Prior to the completion of OCR's investigation, the District expressed an interest resolving the allegations and OCR determined that it was appropriate do so pursuant to Section 302 of OCR's Case Processing Manual (CPM).

Summary of OCR's Investigation To Date

Information from the Student's parent

[X--- paragraph redacted---X]

[X--- paragraph redacted--- X]

Information provided by the District

The District provided OCR with a copy of the Student’s Section 504 plan for the xxxx-xxxx school year, which provided, in relevant part, the following:

- [X--- paragraph redacted---X]
- [X--- paragraph redacted---X]

[X--- paragraph redacted---X]

[X--- paragraph redacted---X]

According to information provided by the District, in August of 2018, the District hired a new School-Based Section 504 Coordinator (School-Based Section 504 Coordinator), who the District reports has been in providing extensive training, guidance, and support to the building Section 504 coordinators on the start to finish process for a Section 504 Plan. Germane to this matter, on September 19, 2018, the School-Based Section 504 Coordinator trained the school’s building Section 504 Coordinator, which included training on the purpose of Section 504, who qualifies for a Section 504, the Section 504 process, documentation of accommodations, periodic monitoring for reviews and re-evaluations, legal ramifications of not providing Section 504s, form review, examples of common accommodations, and child find.

In addition to the training and guidance initiatives, District staff have been working directly with OCR to update and revise the District’s 504 Handbook to ensure the District equips its school-based staff with needed information to fulfill the District’s duties under Section 504.

Voluntary Resolution and Conclusion

On April 8, 2019, prior to the completion of OCR’s investigation, the District asked to resolve this complaint pursuant to Section 302 of OCR’s CPM. Although OCR has not completed its investigation, it has identified some compliance concerns that make resolution pursuant to Section 302 appropriate.

[X--- paragraph redacted---X]

Under Section 302 of OCR’s CPM, allegations under investigation may be resolved at any time when, prior to the issuance of a final investigative determination, the recipient expresses an interest in resolving the allegations and OCR determines that it is appropriate to resolve them because OCR’s investigation has identified issues that can be addressed through a resolution agreement. In this case, the District expressed an interest in resolving the allegations prior to the

conclusion of OCR’s investigation and OCR determined resolution was appropriate. On May 6, 2019, the District signed the enclosed Resolution Agreement, which, when fully implemented, will address all of the allegations in the complaint. OCR will monitor the implementation of the Resolution Agreement.

This concludes OCR’s investigation of the complaint and should not be interpreted to address the District’s compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter sets forth OCR’s determination in an individual OCR case. 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.

Please be advised that the District 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 individual may file another complaint alleging such treatment.

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, OCR 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.

The Complainant may file a private suit in federal court, whether or not OCR finds a violation.

OCR looks forward to receiving the District’s first monitoring report by June 1, 2019. For questions about implementation of the Agreement, please contact XXXXXXXXXXXX. He will be overseeing the monitoring and can be reached by telephone at (216) xxx-xxxx or by e-mail at XXXXXXXXXXXXXXXXXXXX@ed.gov. If you have questions about this letter, please contact me by telephone at (216) 522-2678.

Sincerely,

/s/

Lisa M. Lane
Supervisory Attorney/Team Leader

Enclosure