



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

1350 EUCLID AVENUE, SUITE 325  
CLEVELAND, OH 44115-1812

REGION XV  
MICHIGAN  
OHIO

May 17, 2023

**Via e-mail only to:** [redacted content]

[redacted content]  
R.J. Landau Partners, PLLC  
5340 Plymouth Road  
Suite 200  
Ann Arbor, Michigan 48105

Re: OCR Docket No. 15-22-1322

Dear [redacted content]:

This letter is to notify you of the disposition of the above-referenced complaint filed on [redacted content], with the U.S. Department of Education, Office for Civil Rights (OCR), against Ann Arbor Public Schools (the District) alleging that the District discriminated against a student (the Student) based on disability. Specifically, the complaint alleged that during the [redacted content] school year the District did not [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] as required by [redacted content] Individualized Education Program (IEP).

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 of Education and as a public entity, the District is subject to these laws.

Based on the complaint allegation, OCR opened an investigation of the following legal issue: whether the District provided a qualified student with a disability with a free appropriate public education (FAPE), as required by 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 parents and the District and interviewed the Student's parents and District staff. Based on this information, OCR determined that there is a cause for concern that the District did not fully implement the Student's IEP. However, prior to the completion of OCR's investigation, the District signed the attached resolution agreement, which, once implemented, will address the

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

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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 must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

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, it will seek to protect, to the extent provided by law, personally identifiable information, that, 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 15, 2023. For questions about implementation of the Agreement, please contact Timsi Pathak, who will oversee the monitoring and can be reached by telephone at (216) 522-7642 or by e-mail at [Timsi.Pathak@ed.gov](mailto:Timsi.Pathak@ed.gov). If you have questions about this letter, please contact me by telephone at (216) 522-2667 or by e-mail at [Brenda.Redmond@ed.gov](mailto:Brenda.Redmond@ed.gov).

Sincerely,

Brenda Redmond  
Supervisory Attorney/Team Leader

Enclosure