



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION XV
MICHIGAN
OHIO

July 24, 2023

Via e-mail only to: [redacted content]

Aimee R. Gibbs, Esq.
Member, Dickinson Wright PLLC
350 S. Main Street
Suite 300
Ann Arbor, Michigan 48104

Re: OCR Docket No. 15-23-4022

Dear Ms. Gibbs:

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 Linden Charter Academy (the Academy) alleging that during the 2022-2023 school year the Academy excluded a student (the Student) from [redacted content] [redacted content] and [redacted content] [redacted content] because of his disabilities.

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 Academy is subject to these laws.

Based on the complaint allegation, OCR opened an investigation of the following legal issues:

- whether the Academy, on the basis of disability, excluded a qualified student with a disability from participation in, denied the student the benefits of, or otherwise subjected the student to discrimination in its programs and activities in violation of the regulation implementing Section 504 at 34 C.F.R. § 104.4, and the regulation implementing Title II at 28 C.F.R. § 35.130;
- whether the Academy failed to provide a qualified student with a disability with a free appropriate public education (FAPE) in violation of the Section 504 implementing regulation at 34 C.F.R. § 104.33; and

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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Page 7 – Aimee R. Gibbs, Esq.

at dinola.phillips@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.

Sincerely,

Brenda Redmond
Supervisory Attorney/Team Leader

Enclosure