

**RESOLUTION AGREEMENT**  
**Dearborn Public Schools**  
**OCR Docket # 15-12-1295**

Dearborn Public Schools (the District) submits this Resolution Agreement to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced complaint and to ensure the District's 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, as well as with 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. When the District completes the actions set forth in this Agreement the allegations in complaint # 15-12-1295 will be resolved.

**Action Steps**

**I. Facility Modifications**

The District agrees to take the actions listed in item I.A below in order to provide individuals with disabilities, in particular those with mobility impairments, access to the District's facilities and programs. Modifications made pursuant to this agreement will be done in accordance with the 2010 ADA Standards for Accessible Design (the 2010 ADA Standards).

- A. By September 11, 2015, the District will modify the building elements at Nowlin Elementary School set forth in the attached Appendix to ensure accessibility in compliance with the 2010 ADA Standards.

REPORTING REQUIREMENTS: By September 11, 2015, the District will submit documentation to OCR verifying its progress on the implementation of the actions set forth in the Appendix. Documentation may include photographs, work orders, purchase orders, measurements, or other documentation. OCR may conduct an onsite visit of the District's Nowlin Elementary School to confirm full implementation of these items in accordance with the 2010 ADA Standards.

**II. Emergency Procedures**

- A. By June 26, 2015, the District will, in consultation with local authorities, including the fire department, revise the emergency procedures for Nowlin Elementary School that cover fire, tornadoes, lockdowns, and other emergencies, including drill procedures, to include specific notification procedures for students with disabilities, and specifically including students with hearing impairments.

The revised procedures will ensure that students with disabilities complete drill exercises to the same extent that others do to the maximum extent appropriate to their individual needs.

Within sixty (60) calendar days of receipt of the OCR-approved emergency procedures, the District will notify all Nowlin Elementary School parents, students,

teachers, and staff of the procedures and will adopt and implement them. The District will also install signage as appropriate throughout Nowlin Elementary School, complying with the 2010 Americans with Disability Accessibility Guidelines for Buildings and Facilities (ADA Standards), designating the emergency notification signals for fire, tornadoes, lockdowns, and other emergencies, including drill procedures.

**REPORTING REQUIREMENTS:** By June 26, 2015, the District will submit to OCR its draft Nowlin Elementary School revised emergency procedures. Within sixty (60) calendar days of receipt of the OCR-approved procedures, the District will submit a copy of the notice of the new emergency procedures sent to parents, students, teachers, and staff. The District will also at that time, provide OCR with documentation to show that it installed the necessary signage, and that it removed all misleading signage.

**III. Interactive Whiteboard Systems**

By June 26, 2015, the District will ensure that the TC classrooms at Nowlin Elementary School have the same or equivalent technology as the general education classrooms with respect to interactive whiteboard systems.

**REPORTING REQUIREMENTS:** By June 26, 2015, the District will submit to OCR supporting documentation showing that it has installed interactive whiteboard systems in the TC classrooms at Nowlin Elementary School, or that it installed equivalent technology. This documentation would include billing invoices, receipts, or other similar records of District payment for these services and photographs of the TC classrooms with the interactive whiteboard systems, and if it installed equivalent technology, it will also provide documentation establishing its equivalence.

**IV. Student Individualized Education Programs (IEPs)**

- A By April 10, 2015, after providing proper written notice to the parent/guardian of xxxxxxxxxxxxxxxxxxxx (the Student), a group of knowledgeable persons, including the parent/guardian, will determine whether the Student needs compensatory and/or remedial services as a result of the District's failure to provide appropriate regular and/or special education or related services from the xxxx xxxx school year to the present. If so, within one week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond June 24, 2016. The District will provide the Student's parent/guardian notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

**REPORTING REQUIREMENTS:** Within two (2) weeks of the final decision as to whether compensatory and/or remedial services are needed, the District will submit to OCR documents supporting the group's decisions. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student. OCR will, prior to approving the District's decision and plan for

providing the proposed services, review the documentation to ensure that the District met the procedural requirements of the regulation.

By June 24, 2016, the District will provide documentation to OCR of the dates, times, and locations that compensatory and/or remedial service were provided, a description of what was provided, and the name(s) of the service provider(s).

- B. By June 26, 2015, after providing proper written notice to the parent/guardian of each student enrolled in the TC program at Nowlin from the beginning of the xxxx-xxxx school year to the present, a group of knowledgeable persons, including the parent/guardian, will determine whether each student needs compensatory and/or remedial services as a result of the District's failure to provide appropriate regular and/or special education or related services from the beginning of the xxxx-xxxx school year to the present. If it is determined that compensatory or remedial service are necessary for any student, within one week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond June 24, 2016. The District will provide the parent/guardian of each student notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

**REPORTING REQUIREMENTS:** Within 2 weeks of the final decision as to whether compensatory and/or remedial services are needed for each student identified in item IV.B, the District will submit to OCR documents supporting the group's decisions. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services (if any) to each of the students. OCR will, prior to approving the District's decision and plan for providing the proposed services, review the documentation to ensure that the District met the procedural requirements of the regulation.

By June 24, 2016, the District will provide documentation to OCR of the dates, times, and locations that compensatory and/or remedial service were provided to each student identified above, a description of what was provided, and the name(s) of the service provider(s).

**V. Revisions to District Policies and Procedures**

- A. By April 10, 2015, the District will provide OCR with a draft of a revised communication protocol for all of the teachers and staff at Nowlin Elementary School to ensure that the District does not place limitations on staff and teacher communication that would have a chilling effect precluding them from engaging in protected activity or otherwise communicating information about District and Wayne County RESA programs to third parties, including to parents of students in the program, that is not deemed confidential by local, state, or federal laws. When the revised communication protocol is approved by OCR the District will send a notice of the new protocol to parents/guardians, teachers, and staff of Nowlin Elementary School.
- B. By April 10, 2015, the District will provide OCR with a draft notice to the teachers and staff at Nowlin specifically stating that Section 504 and Title II prohibit retaliation

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against any individual who files a complaint or participates in an investigation under  
these statues.

- C. Within 30 days of written notification from OCR that the revised communication protocol and the anti-retaliation notice developed pursuant to items V.A and B above are consistent with Section 504 and Title II requirements and the requirements of this Agreement, the District notify all District staff of the communication protocol and the anti-retaliation provision, where a copy may be obtained, and that employees may file complaints alleging violations of Section 504 and Title II without prior approval from supervisors and without being subject to intimidating or retaliatory acts by the District, its administrators or staff. The District will provide this notice to its staff annually.
- D. The District will provide training by a competent authority to its administrators regarding Section 504 and Title II and their prohibitions against retaliation. By June 26, 2015, the District will submit to OCR for review and approval the training agenda and material to be covered. The District will hold the training within 60 days of approval by the OCR

**REPORTING REQUIREMENTS:** Within 60 days of notification from OCR that the revised communication protocol and the anti-retaliation notice developed pursuant to items V.A and V.B are consistent with Section 504 and Title II, the District will submit information to OCR documenting implementation of item V.C above. Specifically, the District will provide OCR with a copy of the notices issued to staff and administrators and documentation demonstrating where the provisions are published.

Within 30 days of completion of the training OCR information documenting its implementation of item V.D above, including the date(s) and start and end times of the training(s), the name and qualifications of the person(s) who provided the training(s), a copy of the agenda and training materials distributed at the training, and the name and job title of all persons who attended the training.


### **General Requirements**

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 Section 504 and its implementing regulation at 34 C.F.R. Part 104, Subpart C, and Title II and its implementing regulation at 28 C.F.R. Part 35, Subpart D, which were at issue in this case.

The District understands that, by signing this agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this agreement. Further, the District understands that during the monitoring of this agreement, if necessary, 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 Section 504 and its implementing regulation at 34 C.F.R. 104.4(b); 34

C.F.R. § 104.21; 34 C.F.R. §§ 104.33-104.36; and 34 C.F.R. §104.61; and Title II and its implementing regulation at 28 C.F.R. 35.I 30(b); 26 C.F.R. § 35.134; and 28 C.F.R. § 35.149.

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.

  
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Superintendent or Designee  
Dearborn Public Schools

4/21/15  
Date

**APPENDIX**

FACILITY	MODIFICATION(S)	APPLICABLE 2010 ADA STANDARDS
<p><b>Parking Spaces on South Side of Parking Lot</b></p>	<p>The District will modify the accessible spaces on the shortest accessible route of travel to the south entrance to the school building so that at least two of the designated accessible spaces are designated with “van accessible” signage that is at a visible height, pursuant to Section 502.6 502.4 of the 2010 ADA Standards.</p> <p>The District will modify the designated accessible spaces to ensure that they have a firm, stable, slip-resistant surface, including the surface of the common access aisle.</p> <p>The District will modify the accessible parking so that the slopes and cross slopes do not exceed a slope incline ration of 1:48.</p>	<p>08 16 302</p>
<p><b>Exterior Accessible Route to South Entrance</b></p>	<p>The District will repair broken, crumbling concrete along all the accessible routes (e.g., routes between designated accessible parking spaces and the accessible building entrance) so that they are useable by persons with mobility impairments.</p> <p>The District will modify the exterior ramp at the south entrance of Nowlin to ensure that none of the slopes along the route leading immediately into the entrance has a slope that exceeds a slope incline ratio of 1:20, or, alternatively, that the route is ramped and meets all of the standards for a ram in the 2010 ADA Standards.</p>	<p>302 303 02 03 05</p>
<p><b>South Entrance</b></p>	<p>The District will adjust the door opening force of the interior doors for the designated accessible side entrance to the building to a maximum of 5 lbs.</p>	<p>309.4</p>
<p><b>Girls’ Restroom, South Hall (Room 111)</b></p>	<p>The District will adjust the door opening force of the doors into room 111 to a maximum of 5 lbs.</p> <p>The District will rearrange the change table in the accessible toilet stall to ensure that the stall has sufficient clear floor space and maneuverability so that it is useable to persons who use wheelchairs.</p> <p>The District will adjust the grab bar behind the toilet in the accessible toilet stall to ensure that it is at the appropriate height.</p> <p>The District will ensure that the exposed pipes and surfaces attached to the sinks are insulated or otherwise configured to protect against contact.</p> <p>The District will modify the mount of the mirror and the soap dispenser to ensure that they are within permissible height ranges.</p>	<p>309.4 603.3 604.3 604.9 606.5</p>

FACILITY	MODIFICATION(S)	APPLICABLE 2010 ADA STANDARDS
<p><b>Boys' Restroom (Room 103)</b></p>	<p>The District will either make the following modifications to Room 103 or will identify a different restroom as the accessible boys' restroom in the south wing of the building, such as the staff restroom, and will ensure that it meets the applicable accessibility standards.</p> <p>The District will modify the entrance to this room to ensure that both the hinge side and handle side of the door into the restroom have sufficient clearance and maneuverability to ensure that the restroom is useable to persons who use wheelchairs, pursuant to the requirements set forth in the 2010 ADA Standards.</p> <p>The District will ensure that the toilet in the accessible toilet stall is set to the appropriate distance that does not exceed the maximum permissible distance from the nearest wall to the center of the toilet.</p> <p>The District will ensure that the door to the accessible stall is not bent and that the lock on the door is functional and the door can be locked.</p> <p>The District will rearrange the change table in the accessible toilet stall to ensure that the stall has sufficient clear floor space and maneuverability so that it is useable to persons who use wheelchairs.</p> <p>The District will ensure that the exposed pipes and surfaces attached to the sinks are insulated or otherwise configured to protect against contact.</p> <p>The District will ensure that the sink basins and flush controls on the urinals are within the maximum permissible height ranges pursuant to the 2010 ADA Standards.</p>	<p>04.42 03.3 04.2 04.9 05 06.5</p>
<p><b>Room 22</b></p>	<p>The District will replace the exterior and interior door hardware so that it is operable with one hand and does not require tight grasping, pinching, or twisting of the wrist to operate and will adjust the door opening force of the classrooms to a maximum of 5 lbs.</p>	<p>309.4</p>