

**Detroit Public Schools Community District
Steven W. Rhodes, Transition Manager**

Order 2017-TMSR-06

ORDER

**ADOPTING THE DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT'S
AMERICANS WITH DISABILITIES AND SECTION 504 NON-
DISCRIMINATION POLICY**

Whereas, on June 21, 2016 (the "Effective Date"), Public Act 192 of 2016 ("Act 192") amending The Revised School Code, 1976 PA 451, as amended, MCL 380.1 to 380.1853 (the "Code"), was enacted with immediate effect; and

Whereas, once Act 192 took effect, the School District of the City of Detroit ("DPS") became a qualifying school district under section 12b of the Code, MCL 380.12b, and a community district was created for the same geographic area of DPS to provide public educational services for residents of that geographic area (the "Community District") under section 383 of the Code, MCL 380.383; and

Whereas, on June 21, 2016, acting pursuant to section 12b(3) of the Code, MCL 380.12b(3), Governor Richard D. Snyder designated Steven W. Rhodes as the transition manager for the Community District (the "Transition Manager"); and

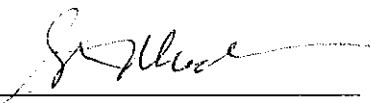
Whereas, under section 12b(3) of the Code, the Transition Manager performs the functions and satisfies the responsibilities of the Community District, of the Board of Education and superintendent of schools of the Community District, and of the transition manager under section 12b of the Code, MCL 380.12b, until the elected members of the school board of the Community District are elected and the office under section 384 of the Code, MCL 380.384

Whereas, the responsibilities of the above include the adoption of policies for operation and management of the Community District, the Transition Manager has determined that it is in the best of District to adopt and implement an Americans with Disabilities and Section 504 Non-Discrimination Policy.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Detroit Public Schools Community District Americans with Disabilities and Section 504 Non-Discrimination Policy is hereby adopted in the form attached hereto as Attachment 1 and by reference incorporated herein.
2. The Detroit Public Schools Community District Americans with Disabilities and Section 504 Non-Discrimination Policy shall become effective upon the date of this Order and implemented during the 2016-2017 school year and thereafter.
3. This Order may be amended, modified, repealed or terminated by any subsequent Order issued by the Transition Manager.

DETROIT PUBLIC SCHOOLS
COMMUNITY DISTRICT
Charter County of Wayne
State of Michigan

By: 

Steven W. Rhodes
Its: Transition Manager

Dated: December 22, 2016

ACCOMMODATION REQUEST, APPEAL, COMPLAINT AND GRIEVANCE PROCEDURAL GUIDANCE

The District has the responsibility to provide reasonable accommodations to qualified individuals with disabilities.

FOR THE PURPOSES OF COMPLIANCE WITH THE AMERICANS WITH DISABILITIES AND SECTION 504 NON-DISCRIMINATION POLICY, THE FOLLOWING ARE ESTABLISHED:

A. Definitions:

1. Accommodation request¹ – a request by or on behalf of an individual with a disability to obtain any type of disability-related accommodation in order to participate equally in any District program, service or activity, examples not limited to the following:

- a. Relocation of a class or event to a wheelchair accessible location;
- b. Provision of specialized equipment;
- c. A temporary or permanent building modification;
- d. Modification of a facially neutral policy or guideline to provide equal access;
- e. Provision of auxiliary aids and services, including qualified sign language interpreters
- f. Access to elevators, lifts and ramps;
- g. Creation or amendment of a student 504 Plan; or
- h. Use of service animals.

2. Complaint – an allegation of discrimination regarding:

- a. Intentional unequal or adverse treatment on the basis of disability
- b. Retaliation or harassment on the basis of disability;
- c. Failure to make a reasonable accommodation;
- d. Any other type of disability-based discrimination not otherwise covered explicitly under this policy or the District's Non-Discrimination Policy.

3. Appeal – request for reconsideration of the full or partial denial of an accommodation request or of a particular accommodation provided.

4. Grievance – a complaint that there has been improper application, interpretation or violation of the ADA and Section 504 policy or procedures affecting a student or other qualified individual with a disability.

B. For Students

The Superintendent, Chief Academic Officer, or his/her designee shall establish procedures for identifying qualified students with disabilities who are eligible for accommodations under ADA and 504. If a qualified student has an accommodation request, a 504 Plan, uniquely designed to address the student's needs is developed specifying the accommodations that will be provided. The 504 Plan coordinates the provision of programs, services, and activities intended to assist the student with participating equally in District activities. All accommodations, appeals, complaints and grievances made on behalf of students will be handled in accordance with applicable procedural safeguards, as provided in the Section 504 Manual and provided below.

¹ This definition does not cover accommodations requested or provided pursuant to IDEA and an IEP.

1. Accommodation Requests

Accommodation requests must be submitted to the school 504 Coordinator. While the request or concerns may be stated verbally, in order to proceed with the identification and evaluation of a student for accommodations, the accommodation request must be formally initiated in writing. School staff should assist with completing any necessary forms, including documentation of concerns and consent forms for evaluations.

2. 504 Coordinator

Upon receipt of a request, the school 504 Coordinator has a recommended thirty (30) days for completion of the identification, evaluation, and, if necessary, development of the Section 504 Plan. The 504 Coordinator is the local school designee, typically, school principal/building administrator, charged with ensuring compliance with Section 504. The 504 Coordinator receives the request presenting documentation of the concerns, consent for evaluation and provides the student's parent with procedural safeguards.

3. Evaluation

An evaluation is completed in order to determine eligibility for services. The evaluation includes a review of educational records, assessments, observations, interviews, available medical information and information provided by parent.

4. Eligibility Determination

Eligibility determination is made by a team of individuals knowledgeable about the student, including, the 504 Coordinator, teachers, service staff providers and parent(s). The student's information is evaluated to determine if he/she is a "qualified individual with a disability". If the student is determined to be a qualified individual with a disability, then, a Section 504 Plan is developed.

5. 504 Plan

Based on the information presented about the student from the parents(s)/guardian(s), assessments, the student's academic performance, medical information (if applicable) and other relevant information, the school 504 Coordinator and the team determine which accommodations and services are needed to ensure that the student receives a free appropriate education. A Section 504 Plan is created. The Plan is suited to the student's unique needs with provisions so that they can participate equally and fully compared to other students. The Plan specifies what services are to be provided, the frequency and by whom. The Plan is shared with relevant staff and service providers. It is reviewed annually. Reevaluations must be done periodically to redetermine eligibility.

The process for determining appropriate services and accommodations can involve various District departments and types of accommodations. The school 504 Coordinator coordinates this effort across District departments. For students with food allergies, for example, the Office of School Nutrition is involved. A *Request for Special Dietary Needs Accommodations* form must be submitted and included in the 504 Plan. Requests for accommodations related to other health matters, including, but not limited to, seizures, spina bifida, allergies, asthma, diabetes, require completing specific written health care accommodation requests forms, for each condition. The forms are provided by the District's Section 504 office and available on the District's staff intranet. <https://hub.detroitk12.org/departments/specialized->

student-services/all Working with school nurses, individualized health plans are developed for the student. Those health plans become a part of the Section 504 Plan.

For more information on accommodations and Section 504 plans or assistance, contact the local school's 504 Coordinator or the District's Section 504 Coordinator at 313-873-7514 via email 504coordinator@detroitk12.org. Additionally, please see the District's Section 504 Notice for Students with Disabilities at <http://detroitk12.org/content/section-504-notice-students-with-disabilities-assistance/>.

6. Appeal

Appeals will be handled in accordance with 504 guidelines and procedures as provided in the DPS Section 504 Manual. A parent/guardian who disagrees with a determination by the school/building administrator (504 Coordinator) and team regarding: a) his/her child's identification or evaluation; b) development or implementation of the 504 Plan; or c) the resolution of an accommodation request on behalf of their child may appeal the local school's determination by filing a grievance with the District's Section 504 Coordinator.

7. Grievance Process

1. The grievance process starts with the arrangement of a meeting at the building level to review concerns to consider possible immediate solutions. The meeting should occur in a reasonable timeframe. Suggested meeting participants may include: Parent, Staff involved with the student's 504 plan, and Building Administrator. The meeting outcomes should be summarized and shared with the parent and District Section 504 Coordinator.
2. If the issue does not reach satisfactory resolution, parent should file a written grievance with the District 504 Coordinator.

The grievance is handled by the District's Section 504 Coordinator. Grievances must be submitted in writing via the school principal/building administrator or by directly contacting the District's Section 504 Office at [313-873-7515](tel:313-873-7515) or via email directly to 504coordinator@detroitk12.org.

1. The District's Section 504 Coordinator will investigate the concern and prepare a written summary of findings and recommendations.
2. Upon parent and district review of recommendations, the parent and district, by mutual agreement, may enter a facilitation meeting to reconcile any concerns.
3. If the issue does not reach satisfactory resolution, the parent may request an impartial due process hearing through the District's Section 504 Coordinator or Office of the Superintendent.
4. An impartial hearing officer will be appointed by the school district.
5. The hearing officer will conduct a hearing reviewing the information used to make the determination, as well as, the parent's concern(s).
6. The hearing officer will conduct an evaluation and make written recommendations.

Complaint

If a parent/guardian is dissatisfied with the District's implementation of Section 504 as it relates to their student, resolution of the grievance process or discrimination is alleged, there are state and federal agencies in which they can file a complaint:

- Michigan Department of Civil Rights – 3054 West Grand Blvd., Ste. 3-600, Detroit, MI 48202 (<http://www.michigan.gov/mdcr/>)
- U.S. Department of Education - Office of Civil Rights – Cleveland Region - 1350 Euclid Ave., Ste. 325, Cleveland, OH 44115 (OCR.Cleveland@ed.gov)

C. For Parent/Guardian Who is a Qualified Individual With a Disability

1. Accommodation Requests – Requests for accommodations needed for qualified individuals with disabilities to ensure that they may participate in or benefit from the District’s programs, services and activities on an equal basis, as others, shall be handled in accordance with ADA guidelines and procedures. Requests for accommodations must be submitted to the Office of Specialized Student Services (OSSS).

2. Evaluation & Eligibility

Upon receipt of an accommodations request, the department will review the request in order to make a determination. The parent/guardian may be asked to provide information in support of the request. Staff in the relevant OSSS department, including compliance, will review the information to determine eligibility.

3. Determination

The determination of appropriate auxiliary aids and services, and the timing, duration, and frequency with which they will be provided, will be made at the time the student enrolls in the District, upon request by the parent/guardian, or when the District determines that services are needed, whichever is earliest. The District will promptly notify the requestor if additional information, consistent with that permitted under Title II of the ADA, is needed to evaluate the request and will specify in writing what information is needed. Upon review of the information provided, the OSSS will make a determination regarding the requested accommodations.

If the parent/guardian participation is ongoing, the District will continue to provide the appropriate auxiliary aids or services to the parent/guardian without requiring a new request for the auxiliary aid or service for each session or event. To the extent that a plan or schedule exists, the auxiliary aid or service will be scheduled accordingly.

In determining what type of auxiliary aid or service is necessary to comply with the ADA, the District agrees to give primary consideration to the expressed preference for a particular auxiliary aid or service of the individual who is deaf or hard of hearing. “Primary consideration” means that the District will inquire as to the choice of auxiliary aid or service of the individual and will honor the expressed choice unless the District can demonstrate that another equally effective means of communication is available. The District will consider the accommodation request and assess its costs and effectiveness, as well as, identify alternative accommodations and assess the cost and effectiveness of each.

4. Request for Accommodation Notice

If the District has reason to believe that a parent/guardian would benefit from auxiliary aids or services, the District will inform the parent/guardian that such services are available at no cost. The *Request for Accommodation Notice* will be provided at that time. It reiterates the policy of the District to ensure that individuals with disabilities have equal and full access to District programs, activities and services. It

covers not only the provision of auxiliary aids and services, (e.g. sign language interpreters) for deaf and hard of hearing parents, but also addresses physical mobility impairments, visual impairments, and language assistance services.

5. Auxiliary Aids and Sign Language Interpreters

For parents who are deaf or hard of hearing, the District employs the services of qualified interpreters and interpreter agencies to ensure that qualified interpreter services are available upon reasonable notice. To request sign language interpreters, the requestor must complete the *Detroit Public Schools Interpreter Request Form* and provide all relevant information (e.g., date services needed, for whom, location where services are to be provided etc.). The form is available from the DPSCD Program for the Deaf/Hard of Hearing (DHH) at [\(313\) 870-3776](tel:3138703776). It must be completed by the parent/guardian or a District staff member and faxed to the DHH at [313-873-3274](tel:3138733274) delivered to Program for Deaf & Hard of Hearing, 3011 W. Grand Blvd., 9th Fl, Detroit, MI 48202.

6. Appeal

A parent/guardian who disagrees with a determination by the District regarding the resolution of an accommodation request may appeal the determination by requesting reconsideration by OSSS. Appeals must be submitted in writing. Upon receipt of the appeal, the department head or designated OSSS staff member will review the information presented, and make a determination on the appeal.

7. ADA/Compliance Coordinator

If a parent/guardian is dissatisfied with the outcome of informal reconsideration or if discrimination is alleged, the parent/guardian may appeal to the District's ADA/Compliance Coordinator. The ADA/Compliance Coordinator receives the appeal, including any presenting documentation related to the accommodation request or allegation of discrimination. The ADA/Compliance Coordinator will review the documentation, meet with the relevant parties and make a determination related to the requested accommodation.

8. Complaint

If a parent/guardian is dissatisfied with the District's implementation of the ADA regarding their accommodation request, resolution of the appeal process or discrimination is alleged, they can file a complaint with the following:

- Michigan Department of Civil Rights – 3054 West Grand Blvd., Ste. 3-600, Detroit, MI 48202 (<http://www.michigan.gov/mdcr/>)
- U.S. Department of Education - Office of Civil Rights – Cleveland Region - 1350 Euclid Ave., Ste. 325, Cleveland, OH 44115
- U.S. Department of Justice - Eastern District of Michigan, 211 W. Fort Street, Suite 2001 Detroit, MI 48226 (usamie.civilrights@usdoj.gov)

D. For Employes and Job Applicants:

1. Accommodation Requests

Requests for accommodations needed to perform an employee's job duties or to participate in a job application process shall be handled in accordance with DPSCD guidelines and procedures and the ADA.

Requests for accommodations made by employees must be submitted to the Division of Human Resources – Office of Compensation, Benefits & Employee Health Service.

2. Eligibility

Employees may access the *ADA Request for Accommodations* form and *ADA Healthcare Provider Certification* form from the District's website. The request form must be completed and submitted to Employee Health Services. The employee's physician should complete the health care provider certification and return it to the department.

Upon receipt of the completed accommodations request and physician certification forms, the department will begin a review of the request and physician certification and compare it with the employee's essential job functions to determine DPSCD's ability to accommodate. Factors that are considered include, but are not limited to the following:

- 1) Employee must be able to perform their essential job functions with or without an accommodation;
- 2) Accommodation requested is related to performance of the employee's job duties; and
- 3) Would granting the accommodation create an undue hardship upon the District.

Job applicants with requests for accommodations may contact the Division of Human Resources – Office of Talent Management at (313) 873-6897 to make an accommodation request.

3. Determination

The employee shall meet with designated staff from the relevant department to discuss the request. The employee may also be asked to provide additional information in support of the request, if needed. Based on the information provided, the department will make a determination regarding the accommodation. The department shall issue its decision in writing to the requestor. If the request has been granted, the decision will be forwarded to the employee's supervisor. For more information or assistance, contact the Division of Human Resources – Office of Compensation, Benefits & Employee Health Service at (313) 576-0080, via email at dps.ehs@detroitk12.org or visit the District's Benefits webpage at <http://detroitk12.org/content/human-resources/compensation-and-benefits/benefits/>.

Job applicants shall provide the accommodation request to the department. The job applicant may be asked to provide additional information in support of the request. Based on the information provided, the department will make a determination regarding the accommodation. The District will consider the accommodation request and assess its costs and effectiveness, as well as, identify alternative accommodations and assess the cost and effectiveness of each. The department will contact the requestor regarding its decision. If the request has been granted, the department facilitates the request.

4. Appeal

An employee who disagrees with a determination by the District regarding the an accommodation request may appeal the determination by requesting reconsideration by the Division of Human Resources – Office of Compensation, Benefits & Employee Health Service. Appeals must be submitted in writing.

A job applicant who disagrees with a determination by the District regarding the an accommodation request may appeal the determination by requesting reconsideration by the Division of Human Resources – Office of Talent Management. Appeals must be submitted in writing.

The department head or designated staff member shall review the information presented for the appeal, discuss any issues with the employee or job applicant, and make a determination on the appeal.

5. ADA/Compliance Coordinator

If an employee or job applicant is dissatisfied with the outcome of the reconsideration or discrimination is alleged, they may appeal to the District's ADA/Compliance Coordinator. Upon receipt of the appeal, including any presented documentation related to the accommodation request or allegation of discrimination, the ADA/Compliance Coordinator will review the documentation and make a determination related to the requested accommodation.

6. Complaint

If at any time an employee or job applicant is dissatisfied with a decision regarding an accommodation request, the outcome of the appeal, or discrimination is alleged, that individual may file a complaint with the following:

- Michigan Department of Civil Rights – 3054 West Grand Blvd., Ste. 3-600, Detroit, MI 48202 (<http://www.michigan.gov/mdcr/>)
- Equal Employment Opportunity Commission – Detroit Field Office – 477 Michigan Ave., Detroit, MI 48226
- U.S. Department of Education - Office of Civil Rights – Cleveland Region - 1350 Euclid Ave., Ste. 325, Cleveland, OH 44115

E. For Visitors and All Other Non-Students:

1. Accommodation Requests

Requests for accommodations by visitors or other non-students who are qualified individuals with disabilities shall be handled by the Division of Facilities – Operations. Accommodation requests should be made in advance and may be submitted by calling the District's PPO Emergency Response Center hotline at (313) 578-7100. Voicemail messages also can be left after business hours 24 hours a day. The accommodation request will be directed appropriately to the relevant department. Accommodation requests can also be submitted directly to the relevant school principal/building administrator.

2. Evaluation & Determination

The Director of the Division of Facilities will review the request as soon as is practicable and in order to meeting any event dates. The Director will obtain information about the accommodation request from the requestor. The visitor or non-student may be asked to provide additional information in support of the request. The relevant District department and ADA/Compliance Coordinator are consulted to make a determination. The District will consider the accommodation request and assess it costs and effectiveness, as well as, identify alternative accommodations and assess the cost and effectiveness of each. The Department will be responsible for coordinating provision of the services with local administrators, staff and the requestor.

3. Auxiliary Aids and Sign Language Interpreters

To request sign language interpreters contact the Division of Facilities – Operations in order to complete the *Deaf Community Advocacy Network Interpreter Request Form*. The form is available from the DPSCD Program for the Deaf and Hard of Hearing (DHH). It must be submitted to DEAF CAN via fax: (248) 332-7334 or by mail: 2111 Orchard Lake Road #101, Sylvan Lake, MI 48320.

4. ADA/Compliance Coordinator

If a visitor or other non-student is dissatisfied with the decision regarding an accommodation determination or discrimination is alleged, they may appeal to the District's ADA/Compliance Coordinator. The ADA/Compliance Coordinator receives the appeal, including any presenting documentation related to the accommodation request or allegation of discrimination. The ADA/Compliance Coordinator will review the documentation and make a determination related to the requested accommodation. The determination will be provided to the requestor.

5. Complaint

If at any time a visitor or non-student is dissatisfied with the decision regarding an accommodation request, the outcome of the appeal or discrimination is alleged, that individual may file a complaint with the following:

- Michigan Department of Civil Rights – 3054 West Grand Blvd., Ste. 3-600, Detroit, MI 48202 (<http://www.michigan.gov/mdcr/>)
- U.S. Department of Education - Office of Civil Rights – Cleveland Region - 1350 Euclid Ave., Ste. 325, Cleveland, OH 44115
- U.S. Department of Justice – Eastern District of Michigan – 211 W. Fort Street, Ste. 2001, Detroit, MI 48226

F. Meetings & Events:

1. In accordance with the requirements of the ADA and Section 504, public meetings and events, including, but not limited to Board meetings and District-wide meetings, shall be held in a location that is accessible to individuals with disabilities or, upon the timely request of a qualified individual with a disability, will be relocated to an accessible location or otherwise made accessible to the requestor. If the individual planning to attend the meeting or event is the parent/guardian of a student with a disability, please refer to the procedures outlined in Section C.
2. Accommodation requests for events that are covered by the Michigan Open Meetings Act must be submitted in advance to the Division of Facilities – Operations by calling (313) 578-7100.
3. Requests for auxiliary aids and/or other services such as sign language interpreters, alternate formats of written materials or other such accommodations in order to attend or participate in public meetings and events must be submitted in accordance with the procedures provided in Section E and should be submitted in advance of the meeting of event.
4. Any request received less than ten (10) days prior to a scheduled event or meeting, may not be able to be accommodated as requested. The District will attempt to respond to the request, to the extent

practicable, given the amount of notice provided by the requestor, the nature of the request and the nature of the event or meeting.

Sign language services shall be provided in compliance with the regulations and standards set forth by the ADA and the Michigan Department of Civil Rights.

G. Limitations:

This guidance does not address or affect the rights or remedies afforded to students or parents with disabilities under the Individuals with Disabilities Act (IDEA).