



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

July 9, 2026

Via e-mail only to: [redacted content]

Principal Krista Cramer

Re: Paramount Charter Academy (MI) - OCR Case Number 15-24-1834

Dear Principal Cramer:

This letter is to notify you of the disposition of the above-referenced complaint filed on August 7, 2024, with the U.S. Department of Education, Office for Civil Rights (OCR), against Paramount Charter Academy (the Academy). The complaint alleged the Academy discriminated against a former student (the Student) on the basis of disability when:

1. the Academy removed the Student from tutoring services because of disability-related behavior in January 2024; and
2. the Academy failed to implement her January 30, 2024, Individualized Education Program (IEP) from January 30 through May 15, 2024, by not providing her with the Academy's after-school tutoring.

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulations 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 regulations 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 must comply with Section 504 and Title II.

To investigate this complaint, OCR reviewed information provided by the Student's parent and the Academy and interviewed the Student's parent and Academy staff. Before OCR completed its investigation, the Academy expressed an interest in resolving the complaint pursuant to Section 302 of OCR's [Case Processing Manual \(CPM\) \(February 19, 2025\)](#). Section 302 provides that OCR may resolve a complaint at any time when, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint and OCR determines that such a resolution is appropriate. Regarding Allegation 1, OCR determined that a Section 302 resolution was appropriate because the evidence obtained during the investigation to date raises a potential compliance concern that the Academy did not comply with Section 504 or Title II with respect to removing the Student from the tutoring services. Regarding Allegation 2, OCR determined that the evidence is insufficient to find that the Academy violated Section 504 and/or Title II as alleged. The bases for these determinations are explained below.

Applicable Regulatory Standards

The regulation implementing Section 504, at 34 C.F.R. § 104.4(a), states that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from federal financial assistance. The regulation implementing Section 504, at 34 C.F.R. § 104.3(j)(1), defines a person with a disability, in relevant part, as any person who has a physical or mental impairment which substantially limits one or more major life activities.

The Section 504 regulation at 34 C.F.R. § 104.33 provides that a recipient that operates a public elementary or secondary education program must provide a free appropriate public education (FAPE) to each qualified individual with a disability within its jurisdiction, regardless of the nature or the severity of the person's disability. An appropriate education for purposes of FAPE is defined as the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of persons with disabilities as adequately as the needs of persons without disabilities are met, and that are developed in accordance with the procedural requirements of 34 C.F.R. §§ 104.34-104.36 pertaining to educational setting, evaluation and placement, and procedural safeguards. Implementation of an IEP developed in accordance with IDEA is one way a recipient can demonstrate that it has provided a qualified student with a disability with a FAPE in accordance with the Section 504 regulation.

Section 104.35(a) of the Section 504 regulation provides that a recipient that operates a public elementary or secondary education program or activity must conduct an evaluation of any student who, because of a disability, needs or is believed to need special education or related services before taking any action with respect to the student's initial placement in regular or special education and any subsequent significant change in placement. The evaluation must be conducted at no cost to the student's parents. The Section 504 regulation requires a recipient school district, in interpreting evaluation data and in making placement decisions, to draw upon information from a variety of sources; establish procedures to ensure that information obtained from all such sources is carefully considered; and ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options. 34 C.F.R. § 104.35(c).

In analyzing allegations of denial of FAPE, OCR first considers what regular or special education and related aids and services a team determined were necessary to provide the student with FAPE. OCR then determines whether the recipient provided the student the agreed-upon services and, if not, whether this resulted in a denial of FAPE.

Title II's implementing regulation, at 28 C.F.R. § 35.130 (b)(7)(i), requires a public entity to make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. For example, school districts offering extracurricular activities must do so in such a manner as is necessary to afford qualified students with disabilities an equal opportunity for participation. This includes making reasonable modifications and providing those

aids and services that are necessary to ensure an equal opportunity to participate, unless the school district can show that doing so would be a fundamental alteration to its program.

Summary of OCR's Investigation to Date, Analysis and Conclusion

On August 28, 2023, the Student enrolled in the Academy and started attending the Academy as a [redacted content] during the 2023-2024 school year. According to the Student's parent, the Student has been diagnosed with [redacted content].

The Academy's records showed that the Academy had been implementing a behavior support plan for the Student since October 23, 2023, due to her documented behavioral issues. On November 10, 2023, the Student's parent requested an evaluation of the Student via e-mail to the principal. On November 28, 2023, the Academy initiated an evaluation of the Student to determine her eligibility for special education. As of January 30, 2024, the Academy started providing an IEP after finding her eligible under the category of [redacted content].

In August 2024, the Student's parent reported to OCR that the Student no longer attends the Academy, and [redacted content] does not intend to return to the Academy.

- **Allegation 1 – Removing the Student from tutoring services**

The Student's parent alleged that the Academy discriminated against the Student based on disability by removing her from tutoring services because of disability-related behavior.

The Academy reported to OCR that its after-school tutoring program is a voluntary and discretionary program that is separate and apart from the general education curriculum, as well as the special education interventions provided at the Academy, so no student is guaranteed to be able to participate in the program.

The Student's parent provided OCR with a copy of the November 3, 2023, letter the Academy sent inviting the Student to this tutoring program. This letter stated, in part, "We are offering a 20-week tutoring program, free of charge, to targeted students. This is by invitation only and is a big commitment on your part as well. Tutoring will begin the week of November 29th and run for 20 weeks, ending May 15th. It will be from 3:45-5:30pm every Wednesday. [emphasis in original]" The Academy also acknowledged that the Student was invited to participate in the after-school tutoring program in November 2023.

According to the Academy's tutoring invitation e-mail dated November 20, 2023, this tutoring program is a twenty-week program and students will be removed from the program with 2 absences to allow a waitlist student to join. This e-mail also stated, "Behavior expectations and pick-up times are strict." The Academy reported that the Student struggled to follow the tutoring behavioral expectations and failed to meet the behavioral expectations during the tutoring sessions on December 6, December 13, and December 20, 2023, by failing to follow teacher directions or participate, engaging in unsafe movements (e.g., putting feet on table and tipping back in chair), and distracting others. The Academy reported that the tutor utilized positive behavioral support tools to attempt to manage the Student's conduct, but such attempts were not successful, so the Student was removed from the after-school tutoring program and the last day the Student would have been able to attend tutoring was January 17, 2024.

The records showed that on January 24, 2024, the Student's tutor notified the Student's parent via e-mail of the Student's dismissal from the tutoring program. This e-mail stated "Due to behavior interruptions during tutoring, [the Student] was dismissed from tutoring before the break. Given that tutoring is short-term and intensive, and as we have a long waitlist: it is imperative that scholars come ready to learn and maintain that learning for the entire hour. This expectation/policy applies to each student enrolled in the PCA After-School Tutor Program. ... [The Student] had ongoing distractions and was off task for each session she attended. As a result, she was unable to complete or focus on the work, distracted the others, and interrupted whole group learning/teaching."

The tutor reported to OCR that typically, students are allowed two behavior incidents before they are asked to leave the tutoring program, and the Student had more than two behavior incidents, so she was removed in December 2023 before the holiday break. The tutor explained that she did not know if this two-incident policy is written but stated that she has been tutoring for three years, and this had always been the policy.

Regarding Allegation 1, the evidence obtained to date raises a compliance concern that the Academy removed the Student from tutoring services because of her disability-related behavior without considering whether the student could participate with reasonable modifications or the provision of aids and services. The evidence obtained to date suggests that the Academy knew or should have known that the Student's behavior was related to her disability, provided that the Academy had initiated an evaluation of the Student since November 28, 2023, while she was participating in the after-school tutoring program in November 2023 through January 17, 2024, when it removed her from the tutoring program; as of January 30, 2024, the Academy started providing the Student with an IEP after determining her eligibility under the category of [redacted content]. Additionally, the Academy did not provide OCR with documentation or written policy clearly explaining who is eligible to attend its after-school tutoring program and that students may not be excluded from its tutoring program because of their disability.

Prior to OCR completing its investigation and determining whether the Academy discriminated against the Student by removing her from the tutoring program, the Academy expressed interest in resolving the complaint allegations under Section 302 of OCR's *Case Processing Manual*, and OCR determined that it was appropriate to do so. On June 22, 2026, the Academy voluntarily signed the attached Agreement, which when fully implemented, will address OCR's compliance concern. OCR will monitor the implementation of the Agreement.

- **Allegation 2 – Denial of FAPE**

The Student's parent also alleged that the Academy failed to implement her January 30, 2024, IEP from January 30 through May 15, 2024, by not providing her with the Academy's after-school tutoring.

The Academy provided OCR with a copy of the Student's IEP documents dated January 30, 2024, April 18, 2024, and May 7, 2024. The Student's IEPs listed the following supplementary aids and services were required: preferential seating; repetition of directions for clarification; use of visual and verbal timers for transitions; small group/individual setting for tests; and a Positive Behavior Support Plan (PBSP); some of these, such as preferential seating, small group/individual setting for tests and a PBSP were to be provided in general/special education

classroom as well as after-school tutoring offered by the Academy. The Student's IEPs also required a provision of the following IEP programs or services: direct and consultative services with the school social worker; and resource room program time; on April 18, 2024, the Student's IEP was amended to provide additional time for the resource room program and on May 7, 2024, her IEP was amended to provide "adult support to support participation in the classroom and PBSP implementation." OCR reviewed these IEPs and found that the Student's IEP did not specifically require the after-school tutoring services to be provided to the Student as part of required IEP programs or services.

Regarding Allegation 2, the evidence shows that the Student's IEP did not specifically require the Academy to provide the Student with after-school tutoring services as part of the required IEP services or program. Therefore, OCR finds that the evidence is insufficient to find that the Academy violated Section 504 or Title II by denying a FAPE to the Student, as alleged.

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. Individuals who file complaints with OCR may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the Academy 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.

OCR looks forward to receiving the Academy's first monitoring report by September 20, 2026. For questions about implementation of the Agreement, please contact Suwan Park, who will be overseeing the monitoring and can be reached by telephone at (202) 987-1981 or by e-mail at Suwan.Park@ed.gov. If you have questions about this letter, please contact me by telephone at (303) 844-0434 or by e-mail at Rebecca.Tanglen@ed.gov.

Sincerely,

/s/

Rebecca Tanglen
Team Leader

Enclosure

cc. [redacted content]