



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

June 10, 2026

By email only to superintendent@browardschools.com

Dr. Howard Hepburn
Superintendent
Broward County Public Schools
Ft. Lauderdale, Florida

Re: Broward County Public Schools – OCR Complaint Number 04-25-1825

Dear Dr. Hepburn:

The U.S. Department of Education, Office for Civil Rights (OCR) has completed its investigation of the complaint received on August 25, 2025, against Broward County Public Schools (the District), alleging discrimination based on disability. Specifically, the Complainant alleged that District discriminated against the Student in August 2025, when the District did not provide the Complainant and the Student's father notice or the opportunity to participate in Section 504 planning and provided her with a copy of an unsigned Section 504 plan.

OCR investigated the complaint pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. Section 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; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. Sections 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 and as a public entity, the District must comply with Section 504 and Title II and their implementing regulations.

OCR investigated whether the District discriminated against the Student on the basis of disability, in violation of Section 504 and Title II.

To date, OCR reviewed the Student's Section 504 and special education records, a position statement from the District's EEO/ADA Compliance Assistant Director (the Assistant Director), and correspondence between the Complainant and District staff and internally amongst District staff. OCR also interviewed the Complainant, but prior to OCR conducting interviews with District staff, the District requested to resolve the complaint pursuant to Section 302 of OCR's [Case Processing Manual \(CPM\) \(Feb. 19, 2025\)](#). OCR determined that it is appropriate to resolve the complaint through a resolution agreement. The details of OCR's investigation, to date, are set forth below.

Legal Standard

The Section 504 regulation, at 34 C.F.R. Section 104.33(a), states that a recipient that operates a public elementary or secondary education program or activity shall provide a free appropriate public education (FAPE) to each qualified person with a disability who is in the recipient's jurisdiction, regardless of the nature or severity of the person's disability. The Section 504 regulation, at 34 C.F.R. Section 104.33(b)(1), defines an appropriate education as the provision of regular or special education and related aids and services that are designed to meet the individual needs of a student with a disability as adequately as the needs of students without disabilities are met and are based upon adherence to procedures that satisfy the requirements of 34 C.F.R. Sections 104.34, 104.35, and 104.36 (educational setting, evaluation and placement and procedural safeguards). The Section 504 regulation, at 34 C.F.R. Section 104.35(a), requires a recipient that operates a public elementary or secondary education program or activity to conduct an evaluation in accordance with the requirements of Section 104.35(b) of a student who, because of disability, needs or is believed to need special education or related services. OCR interprets the Title II regulation, at 28 C.F.R. Section 35.130, to require school districts to provide a FAPE to the same extent required under the Section 504 regulation.

Factual Findings to Date

During the 2024-2025 school year, the Student was in the [redacted content] grade at [redacted content] (the School). The Complainant told OCR that in February 2025, she provided the Student's counselor (the Counselor) medical documentation regarding the Student's ADHD diagnosis and requested a Section 504 plan for the Student but she did not receive a response from the District. The District provided OCR a copy of an unsigned Section 504 consent for evaluation and an unsigned Section 504 plan dated March 10, 2025. The District's Assistant Director reported to OCR that while the consent for evaluation is not signed, the District's Section 504 managing database reflects that the Student's father completed and returned the consent via email to the District on March 10, 2025. The Assistant Director also reported that the School's ESE Support Facilitator (the Facilitator) participated in a phone conference with the Student's father on March 10, 2025, which resulted in the Section 504 plan.

During the 2025-2026 school year, the Student was in the [redacted content] grade at the School. The Complainant stated to OCR that on August 18, 2025, she learned of the unsigned March 2025 Section 504 plan during a conversation with the School's principal. On August 21, 2025, the Complainant filed an internal grievance with the District alleging that the March 2025 Section 504 plan was invalid. In response to the grievance, the District agreed to begin the Section 504 evaluation process anew, agreed to evaluate the Student for exceptional student education (ESE) eligibility, and retrained the Facilitator on the requirements of Section 504 and the provision of a FAPE.

Email correspondence between the Complainant and the District in September 2025 reflects that the District updated the District's Frontline communication system to ensure that both the Complainant and the Student's father receive communications from the District. On October 28, 2025, the Complainant signed consent for the Student's ESE evaluation. On December 15, 2025, the Complainant, however, notified the District that she would not sign consent for the Section 504 evaluation until the District addressed the Complainant's concerns regarding the District's

access to information for limited English proficient parents. On February 17, 2026, the District completed the psychological report pursuant to the Student's ESE evaluation. The report concluded that the Student does not seem to need the curriculum manipulated, which is the purpose of ESE eligibility; as such, the report recommends that the Student be considered for a Section 504 plan. On February 24, 2026, the District held an IEP eligibility meeting for the Student, concluding that the Student did not meet the eligibility criteria for special education services.

Analysis and Conclusion

OCR has not completed its investigation. While the investigation to date reveals that the District agreed to begin the Section 504 evaluation process anew in August 2025 and provided Section 504 training to the Facilitator, the investigation raises concerns regarding the process followed by the District in February 2025 to respond to the Complainant's request for a Section 504 evaluation. Prior to OCR's completion of its investigation, the District expressed an interest in resolving the complaint pursuant to Section 302 of OCR's *Case Processing Manual*, and OCR determined that it would be appropriate to resolve the complaint pursuant to Section 302.

The District signed the enclosed Resolution Agreement (Agreement), which, when fully implemented, will address all of the allegations in the complaint. The Agreement requires the District to evaluate the Student, in accordance with Section 504 and its implementing regulation at 34 C.F.R. Section 104.35 and determine the Student's eligibility under Section 504 for regular or special education and related aids and services. If the Student is found eligible under Section 504, the Agreement also requires the District to determine whether the Student requires compensatory and/or remedial services dating back to February 2025.

This concludes OCR's investigation of the complaint and should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. 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. The complainant may have a right to file a private suit in federal court whether or not OCR finds a violation.

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 procedure under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act (FOIA), it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, OCR will seek to protect, to the extent provided by law, personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released.

If you have any questions about this letter, please contact Claudia Campo, at claudia.campo@ed.gov or 202-987-0005.

Sincerely,

/s/

Laura Yearout
Acting Compliance Team Leader