

Resolution Agreement
Southern University Laboratory School
OCR Complaint No. 06141016

The Southern University Laboratory School (SULS) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office. By this Agreement, the SULS commits to the following actions, consistent with the requirements of 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, to resolve the compliance concerns identified through OCR's investigation of the above-referenced complaint. The SULS understands that OCR will not close the monitoring of this Agreement until OCR determines that the SULS has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. Part 104, which were at issue in this case. The SULS 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 SULS understands that during the monitoring of this Agreement, if necessary, OCR may visit the SULS, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the SULS has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title VI, at 34 C.F.R. § 100.3, which were at issue in this case. The SULS 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 SULS written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach. The SULS hereby voluntarily commits to the following:

ACTION ITEM 1: Training/Education

1.1 OCR acknowledges that on November 4, 2013, the SULS provided training, by the school counselor and a faculty member with Special Education Certification, to all faculty regarding its obligation under Section 504 to provide a free appropriate public education (FAPE) to all qualified enrolled students with disabilities. By **August 15, 2014**, The SULS will provide additional training regarding its obligation under Section 504 to provide a free appropriate public education (FAPE) to all qualified enrolled students with disabilities. The training should be provided to all relevant personnel, including, but not limited to, school administrators, faculty, and counselors. The training will be conducted by an individual knowledgeable about the laws and issues pertaining to disability discrimination. The training shall address, at a minimum:

- (a) The SULS's policies and procedures for carrying out its responsibilities under Section 504 to provide a FAPE to each qualified disabled person who is enrolled at the school, regardless of the nature or severity of the person's disability; and
- (b) SULS staff members' obligation to fully implement any Section 504 Plan that has been developed for a qualified student with a disability.

REPORTING REQUIREMENTS:

1.2 By **September 6, 2014**, the SULTS will provide documentation to OCR evidencing that the training required by Action Item 1.1 has been completed, including the identity of the individual(s) who conducted the training and the individual('s') qualifications, along with a copy of the materials or a summary of the material covered in such training and sign-in sheet(s) or other documentation showing who attended the training.

ACTION ITEM 2: Notice of Nondiscrimination

2.1 By **August 6, 2014**, the SULTS will revise its current notice of nondiscrimination to include a statement that the SULTS does not discriminate on the basis of disability. The SULTS will notify its beneficiaries, in a continuing manner, by:

- a. Prominently publishing the revised notice of nondiscrimination in the SULTS's student handbook(s);
- b. Prominently publishing the revised notice of nondiscrimination on the SULTS's website;
- c. Prominently publishing the revised notice of nondiscrimination in the SULTS's major publications, such as announcements, bulletins, or application forms, which are made available to students, employees, and other parties; and
- d. Prominently publishing the revised notice of nondiscrimination in the SULTS grievance procedures for the prompt and equitable resolution of complaints alleging discrimination on the basis of disability.

REPORTING REQUIREMENTS:

2.2 By **September 5, 2014**, the SULTS will provide OCR with copies of the SULTS's revised notice of nondiscrimination and any other related revised documents.

2.3 By **September 5, 2014**, the SULTS will provide OCR with a summary of the methods by which the SULTS has informed the public (students, visitors, third parties, faculty, staff, employees, etc.) of its revised notice of non-discrimination (*e.g.*, inclusion on the SULTS's website, publication in the Student Handbook, posted flyers in the school building, etc.);

ACTION ITEM 3: Student Remedies

3.1 By **June 20, 2014**, the SULTS will formally notify the complainant in writing of its willingness to evaluate her son's (hereinafter the Student) need for compensatory education services pursuant to Section 504, at 34 C.F.R. §§ 104.33 and 104.35. The written notice to the complainant will state that the complainant has the option to refuse the SULTS's offer to evaluate the Student. If the complainant accepts the SULTS's offer to evaluate the Student, the SULTS will

schedule an evaluation to determine the Student's eligibility for possible compensatory educational services in accordance with the regulatory requirements of Section 504. The SULTS will provide the complainant with a minimum of **14 calendar days** to respond to the SULTS's offer to evaluate the Student's need for compensatory educational services.

3.2 If the complainant accepts the SULTS's offer to evaluate the Student pursuant to Item 3.1 above, the SULTS will complete such evaluation and determine whether and to what extent it should provide any compensatory educational services based on the SULTS's failure to provide the Student with the requisite accommodations pursuant to his Section 504 Plan, during the 2012-13 and 2013-14 school years, pursuant to the Section 504 regulatory requirements at 34 C.F.R. § 104.33, by **August 20, 2014**. The SULTS will submit to OCR a copy of the meeting minutes or similar documentation from the meeting referenced in Action Item 3.1 above, including an explanation for decisions made, and a description of and schedule for providing any compensatory and/or remedial services to the Student. OCR will review the documentation submitted to ensure that the SULTS met the procedural requirements of the regulations implementing Section 504, at 34 C.F.R. §§ 104.34-104.36, in making these determinations.

3.3 If the SULTS determines that compensatory educational services are necessary for the Student to receive a FAPE, it will begin the provision of said compensatory educational services within **14 calendar days** after its determination that the services are necessary, and it will complete the provision of said compensatory educational services within **90 calendar days** after its determination that the services are necessary.

3.4 By **June 20, 2014**, the SULTS will notify the complainant in writing that the SULTS's 2.5 cumulative Grade Point Average (GPA) requirement will not apply to the Student for the purpose of his 2014-15 enrollment eligibility.

3.5 If at the conclusion of the 2014-15 school year the Student has not increased his cumulative GPA to 2.5 or higher, the SULTS will convene a group of knowledgeable persons to determine whether the SULTS minimum GPA enrollment eligibility requirement should apply to the Student for the 2015-16 school year in light of the SULTS's failure to implement the Student's accommodations during the 2012-13 and 2013-14 school years. The SULTS may require that the Student pass his Core Subject courses in order to be promoted to the next grade level, pursuant to the Louisiana Pupil Progression Plan.

REPORTING REQUIREMENTS:

3.6 By **June 27, 2014**, the SULTS will provide written documentation to OCR evidencing that Action Item 3.1 has been completed. This report should include, at a minimum, meeting minutes and related documentation evidencing that the meeting occurred, a written narrative evidencing how the committee made its decision, all information relied upon to reach the decision, and a written statement reflecting the determination made by the committee with regard to compensatory services.

3.7 If the committee determines that compensatory services are necessary for the Student to receive a FAPE, then **within 14 calendar days** after the services have been provided in full, the

SULS will provide documentation to OCR evidencing that the compensatory services identified have been provided, including information regarding the specific services provided and the individuals responsible for providing the services; the manner in which the services were provided; and the length of time the services were provided.

3.8 By **June 27, 2014**, the SULS will submit to OCR a copy of the written notice issued to the complainant in accordance with Action Item 3.4.

3.9 **Within 14 calendar days** after the meeting referenced in Action Item 3.5 is conducted, the SULS will provide written documentation to OCR evidencing that the meeting has been completed. This report should include, at a minimum, meeting minutes and related documentation evidencing that the meeting occurred and who was present, a written narrative evidencing how the committee made its decision, all information relied upon to reach the decision, and a written statement reflecting the determination made by the committee with regard to the applicability of the minimum GPA enrollment eligibility requirement to the Student.

/s/

Ronnie Harrison, Director
Southern University Laboratory School

Date

Printed Name and Title