

**Resolution Agreement**  
**Southern University Laboratory School**  
**OCR Complaint No. 06141382**

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 allegations in 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 Section 504, at 34 C.F.R. §§ 104.33 and 104.36, 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. This Agreement does not constitute an admission by the SULS that it discriminated or otherwise engaged in any wrongdoing. The SULS hereby voluntarily commits to the following:

**ACTION ITEM 1: Training/Education**

1.1 By **December 19, 2014**, The SULS will provide campus-wide training regarding its obligation under Section 504 to provide a free appropriate public education (FAPE) to all qualified students with disabilities. The training must be provided to all relevant personnel, including, but not limited to, school administrators, faculty, and counselors. The training will be conducted by individuals 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 in the district, 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 **December 19, 2014**, the SULS will provide OCR with a sign-in sheet indicating that all required individuals were present.

## **ACTION ITEM 2: Notice of Nondiscrimination and Grievance Procedures**

2.1 By **December 7, 2014**, the SULTS will draft a notice of nondiscrimination to include a statement that the SULTS does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The notice shall contain the name and/or title, office address, electronic mail address and telephone number of the person(s) designated to coordinate the SULTS's efforts to comply with Section 504. The SULTS will notify its beneficiaries, in a continuing manner, by:

- a. Prominently publishing the revised notice of nondiscrimination in the SULTS's student and employee handbook(s);
- b. Prominently publishing the revised notice of nondiscrimination on the SULTS's website; and
- 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.

2.2 By **December 7, 2014**, the SULTS will submit to OCR, for review and approval, written grievance procedures to provide for the prompt and equitable resolution of complaints alleging discrimination and/or harassment on the grounds of disability, sex (including gender stereotype), and/or age, as well as retaliation for exercising one's rights regarding alleged disability, sex (including gender stereotype), and/or age discrimination or harassment. Such procedures will be developed, adopted, and disseminated to all students, parents, applicants, employees, and other individuals in accordance with the requirements of Section 504 at 34 C.F.R. § 104.7(b), Title IX of the Education Amendments of 1972 (Title IX) at 34 C.F.R. § 106.8, and the Age Discrimination Act of 1975 (Age Act) at 34 C.F.R. § 110.25. The grievance procedures should incorporate appropriate due process standards and include, at a minimum, the following:

- a. A statement that the grievance procedures are applicable to complaints alleging discrimination and harassment as well as retaliation carried out by employees, other students, or third parties;
- b. Notice to students, employees and others of the process for filing a complaint/grievance, including whom to contact and how to initiate a complaint/grievance;
- c. A requirement that all complaints/grievances will be promptly, thoroughly, and impartially investigated and decided within reasonable designated time frames at each stage of the complaint/grievance process, and that in the context of harassment complaints, the process will include an opportunity for both victims and the accused to present witnesses and relevant evidence;

- d. A requirement that harassment complaints will be investigated using a preponderance of the evidence standard;
- e. Provisions for maintaining the confidentiality of the person who files a complaint/grievance;
- f. Definitions and examples of what types of actions may constitute sex discrimination (including sexual harassment, sexual assault, sexual violence, and gender-stereotype harassment);
- g. Written notice to the complainant/grievant of the disposition of the complaint/grievance at each stage of the process; written notice to the respondent(s) of the final disposition of the complaint/grievance and appeal, if applicable;
- h. A fair and equitable appeal process;
- i. Notice that retaliation against any person who files a complaint/grievance and persons who participate in the related proceedings is prohibited; and
- j. Assurance that if discrimination, harassment, or retaliation has occurred, appropriate corrective and remedial actions will be taken.

### **REPORTING REQUIREMENTS:**

2.3 By **January 7, 2015**, the SULTS will provide OCR with copies of SULTS's revised notice of nondiscrimination and any other related revised documents.

2.4 By **January 7, 2015**, the SULTS will provide OCR with a summary of the methods by which SULTS has informed the public (students, visitors, third parties, faculty, staff, employees, etc.) of its revised notice of nondiscrimination (*e.g.*, inclusion on SULTS's website, publication in the Student Handbook, posted flyers in the school building, etc.).

2.5 Within **15 calendar days** of the SULTS's receipt of the OCR-approved revised grievance procedures, the SULTS will provide OCR with documentation to substantiate that it has formally adopted and disseminated the OCR-approved grievance procedures as required in items 2.2(a)-(j), above. Such documentation may include, but is not limited to, documentation showing that all students, parents, employees, and other interested persons have been notified (via the SULTS website and in writing) of the grievance procedures, and where they may obtain a copy.

### **ACTION ITEM 3: Student Remedies**

3.1 By **November 17, 2014**, the SULTS will formally notify the complainant in writing of its willingness to evaluate XXX XXXXXXXXXX's (hereinafter the Student) need for disability related aids and services pursuant to Section 504, at 34 C.F.R. §§ 104.33 and 104.35, should XXX XXXXXXXXXX return to the SULTS as a student. The written notice to the complainant will

state that the complainant has the option to refuse the SULLS's offer to evaluate the Student. If the Student is accepted for admission to the SULLS and the complainant accepts the SULLS's offer to evaluate the Student, the SULLS 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 SULLS will provide the complainant with a minimum of **60 calendar days** to respond to the SULLS's offer to evaluate the Student's need for disability related aids and services.

3.2 If the complainant accepts the SULLS's offer to evaluate the Student pursuant to Item 3.1 above, the SULLS will complete such evaluation and determine whether and to what extent it should provide any disability related aids and services, pursuant to the Section 504 regulatory requirements at 34 C.F.R. § 104.33, within 30 calendar days of the Student's enrollment at the SULLS. The SULLS will provide the Student's parent/guardian notice of the applicable procedural safeguards, including the right to challenge the evaluation group's determination through an impartial due process hearing. The SULLS 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 disability related aids and services to the Student. OCR will review the documentation submitted to ensure that the SULLS 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 SULLS determines that disability-related aids and services are necessary for the Student to receive a FAPE, it will begin the provision of said services within **14 calendar days** after OCR approves its determination that the services are necessary.

3.4 By **November 17, 2014**, the SULLS will notify the complainant in writing that the Student is eligible to apply for admission to the SULLS, and if accepted, will receive one tuition-free semester during the 2014-2015 or 2015-2016 school year.

#### **REPORTING REQUIREMENTS:**

3.5 By **November 26, 2014** the SULLS will provide written documentation to OCR evidencing that Action Item 4.1 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 disability related aids and services.

3.6 If the committee determines that disability related aids and services are necessary for the Student to receive a FAPE, then **within 14 calendar days** after the conclusion of the first semester during which the services are provided, the SULLS will provide documentation to OCR evidencing that the disability-related aids and 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.

3.7 By **November 26, 2014**, the SULTS will submit to OCR a copy of the written notice issued to the complainant in accordance with Action Item 3.4.

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Ronnie Harrison, Director  
Southern University Laboratory School

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Date

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Printed Name and Title