



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1999 BRYAN ST., SUITE 1620
DALLAS, TX 75201-6810

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

Reference: 06141382

Dr. Ronnie Harrison, Director
Southern University Laboratory School
129 Swan Street
Baton Rouge, LA 70813

Dear Dr. Harrison:

This letter is to notify you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its investigation of the above-referenced complaint against Southern University Laboratory School (SULS), Baton Rouge, Louisiana, which was received in our office on April 28, 2014. The complainant alleged that SULS discriminated against XXXXXXXXXXXXX (the Student) on the basis of disability. Specifically, the complainant alleged that SULS failed to implement the Student's Section 504 Plan during the 2013-2014 school year, and fails to maintain and apply grievance procedures for the resolution of complaints alleging disability discrimination.

This agency is responsible for determining whether organizations or entities that receive or benefit from Federal financial assistance, either from the Department or from an agency that has delegated investigative authority to the Department, are in compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794 (amended 1992), and its implementing regulations, at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability. SULS is a recipient of Federal financial assistance from the Department. Therefore, OCR has jurisdiction to investigate this complaint under Section 504.

Based upon the complainant's allegations, OCR investigated the following legal issues:

Whether SULS discriminated against the Student on the basis of disability by failing to provide regular or special education and related aids and services deemed necessary to meet the Student's individual educational needs (i.e., failed to provide extended time to complete tests and assignments, modified assignments, and small group testing), and thereby denied the Student a free appropriate public education (FAPE) during the 2013-14 school year, in violation of Section 504 and its implementing regulations, at 34 C.F.R. § 104.33; and

Whether SULS failed to establish and implement, with respect to actions regarding the identification, evaluation, or educational placement of students who, because of one or

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more disabilities, need or are believed to need special instruction or related services, a system of procedural safeguards that includes an impartial hearing with the opportunity for participation by the students' parents or guardians and representation by counsel, and a review procedure, in violation of Section 504 and its implementing regulations, at 34 C.F.R. § 104.36.

Prior to the completion of OCR's investigation, SULLS informed OCR that it was interested in resolving these allegations. Section 302 of OCR's *Case Processing Manual* provides that a complaint may be resolved at any time when, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint. The provisions of the resulting voluntary resolution agreement will be aligned with the complaint allegations or the information obtained during the investigation, and will be consistent with applicable regulations. OCR approved SULLS's request to resolve this complaint prior to the conclusion of the investigation.

SULLS voluntarily submitted the enclosed Resolution Agreement (Agreement) to resolve this complaint; the Agreement was signed by SULLS on November 12, 2014. OCR has determined that the provisions of the Agreement are aligned with the complaint allegations and appropriately resolve them. Further, OCR accepts the Agreement as an assurance that SULLS will fulfill its obligations under Section 504 with respect to this complaint. The dates for implementation and specific actions are detailed in the Agreement. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this complaint. However, OCR will actively monitor SULLS's implementation of the Agreement. Please be advised that if SULLS fails to adhere to the actions outlined in the Agreement, OCR will immediately resume its compliance efforts.

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.

Please be advised that SULLS may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the complainant may file another complaint alleging such treatment.

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

If you have any questions about this matter, please contact Eve Shatteen Bell, the OCR attorney who will oversee SULS's implementation of the Agreement, at (214) 661-9682.

Sincerely,

Taylor D. August
Director, Dallas Office
Office for Civil Rights

Enclosure

cc: Ms. Lakesa Dixon
Director of School Accountability
lakesadixon@gmail.com