



**Southern Poverty Law Center Lawsuit Settlement  
Fact Sheet  
December 19, 2014**

The Southern Poverty Law Center (SPLC) lawsuit was filed on behalf of ten students in 2010 and after four years, the parties in the suit have arrived at a settlement. Since the time this lawsuit was filed, Type 5 and Type 2 charter schools have shown significant progress with our students with disabilities as it relates to enrollment, achievement, graduation and discipline. New Orleans' students with disabilities now achieve proficiency and graduate at higher rates than their peers statewide. The settlement acknowledges the commitment of all of our Type 5s and 2s to our students with disabilities.

**Terms of the Agreement**

- The agreement is focused on issues of child find, related services, discipline, and enrollment.
- The Department of Education will be focused on monitoring and providing technical assistance to schools in each of these areas.
- Schools will be focused on ensuring their programming serves the needs of all students.

**Timeline for Implementation**

- Provisions of the settlement will go into effect 30 days following the Governor's appropriation of funds to pay the plaintiffs' legal fees or immediately upon payment of the fees, whichever is sooner.
- The parties will be released from the agreement with SPLC once substantial completion has been reached in each area for two consecutive years.

**Role of the Independent Monitor**

- The parties will cooperatively select an Independent Monitor to oversee implementation of the settlement agreement.
- The Monitor will have expertise and experience in education and training related to special education.
- The Monitor will have full access to data needed to ensure compliance with this agreement.
- The Monitor will issue the following reports:
  - Initial report 120 days after the effective date of the agreement
  - A report every 180 days thereafter
- The Monitor may provide the defendants with technical assistance as requested.



### School Responsibilities

Section	Responsibilities
Child find	<ul style="list-style-type: none"> <li>As part of the renewal and extension process, submit explanation of staff or contractors responsible for pupil appraisal as well as pupil appraisal staff that will sit on School Building Level Committee</li> <li>Continue current child find responsibilities</li> </ul>
Related services	<ul style="list-style-type: none"> <li>As part of the renewal and extension process, submit plan for offering a full array of related services</li> </ul>
Discipline	<ul style="list-style-type: none"> <li>Annually submit assurance that code of conduct has not changed since initial review</li> </ul>
Enrollment	<ul style="list-style-type: none"> <li>Annually develop a written description of special education program and submit it to the LDE</li> <li>Annually develop a protocol for investigating complaints related to discrimination based on disability</li> </ul>

### LDE Responsibilities

Section	Responsibilities
Child find	<ul style="list-style-type: none"> <li>Develop schedule identifying child find responsibilities in Orleans to include procedures for ensuring that evaluations are completed within applicable timelines when students move between LEAs</li> <li>Calculate 'annual new identification rate' and use this data to identify schools for targeted monitoring</li> <li>Annually issue guidance around child find responsibilities</li> </ul>
Related services	<ul style="list-style-type: none"> <li>Calculate service provision rate and use this data to identify schools for targeted monitoring</li> </ul>
Discipline	<ul style="list-style-type: none"> <li>Review Code of Conduct for each Type 2/5 for IDEA compliance</li> <li>Annually review any Type 2/5 Code of Conduct that has changed since initial review</li> <li>Annually provide technical assistance to Type 2/5 on prohibited practice of undocumented suspensions</li> <li>Annually provide technical assistance to Type 2/5 on discipline policies for students w/disabilities</li> <li>Calculate "extended disciplinary removal rate" and use this data to conduct targeted monitoring</li> </ul>
Enrollment	<ul style="list-style-type: none"> <li>Annually disseminate policy guidance on legal obligations of Type 2/5 to enroll and serve students w/disabilities</li> <li>Develop a model complaint resolution process to be shared by Type 2/5.</li> <li>Address any complaint about discriminatory practices at a Type 2/5 school with a specific resolution process</li> <li>Annually calculate 'mobility rate' and use this data to conduct targeted monitoring</li> </ul>