

Louisiana Believes

**SPLC Settlement Update
May 2015**

Agenda

Objective

Ensure charter schools in Orleans Parish understand their obligations under the Consent Judgment with SPLC

Agenda

- Background
- Improving Performance
- LDE Responsibilities
- Charter Responsibilities
- Monitoring
- Next Steps
- Q & A

Background

Settlement Background

- Southern Poverty Law Center filed action on behalf of New Orleans students with disabilities pursuant to IDEA, Section 504, and Title II of the ADA in October 2010
- The defendants are the State Superintendent of Education, the Louisiana Department of Education (LDE), and the Board of Elementary and Secondary Education (BESE)
- The Orleans Parish School Board (OPSB) is the Defendant-Intervenor
- Lawsuit alleged that the LDE failed to ensure that students with disabilities in New Orleans had equal access to educational services and were protected from discrimination

Settlement Update

- Consent Judgment has been approved and signed by SPLC, OPSB, and LDE
- Judge Zainey signed the Consent Judgment on March 25, 2015
- The SPLC and LDE received four responsive applications for Independent Monitor and are currently conducting interviews
- The SPLC and LDE anticipate notifying the Judge about their recommendation within two weeks

Settlement Update

Substantive Provision	Details
Child Find	IDEA requirement that children with disabilities, and who are in need of special education and related services, are identified, located, and evaluated
Related Services	Includes physical therapy, occupational therapy, counseling services, orientation and mobility services, speech-language pathology, audiology services, school health/nurse services, special transportation, and adaptive physical education
Discipline	IDEA requirements for disciplinary procedural protections and procedural protections for students with disabilities
Enrollment	Federal legal requirements to enroll and serve students with disabilities

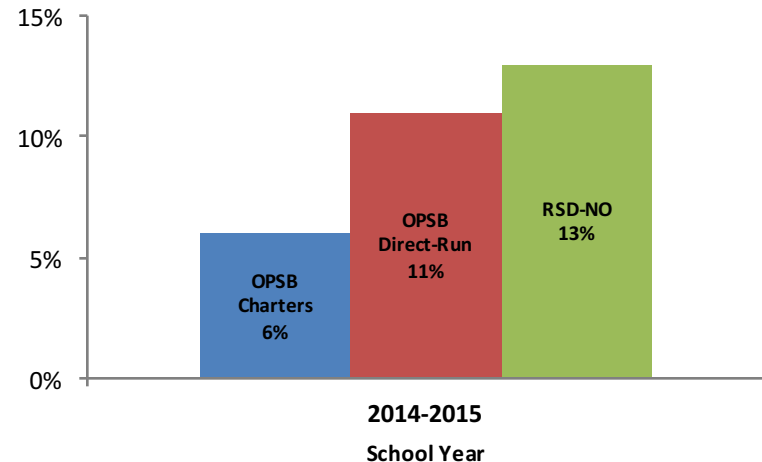
Improving Performance

Improving Performance

Enrollment of Students with Disabilities

- In Fall 2014, students with disabilities made up 11% of New Orleans' enrollment, the same as the state average.
- Within New Orleans, students with disabilities made up 13% of RSD-NO's enrollment, 11% of OPSB's direct-run school enrollment, and 6% of OPSB's charter school enrollment.

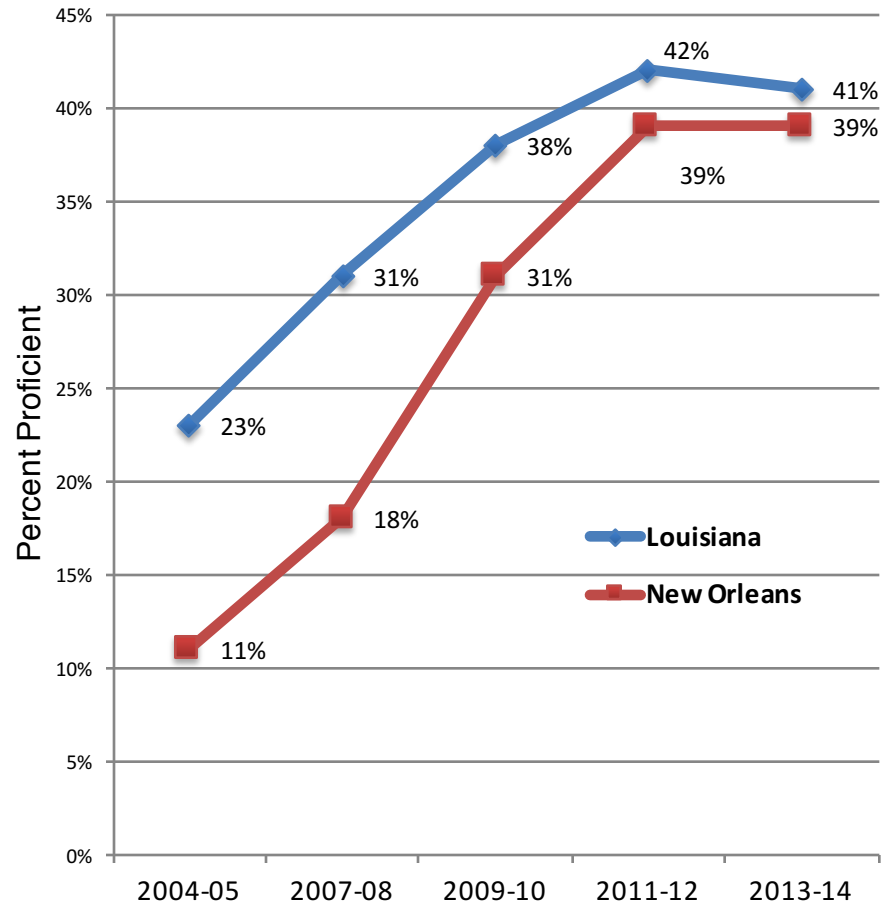
Enrollment of Students with Disabilities



Improving Performance

Proficiency on State Tests

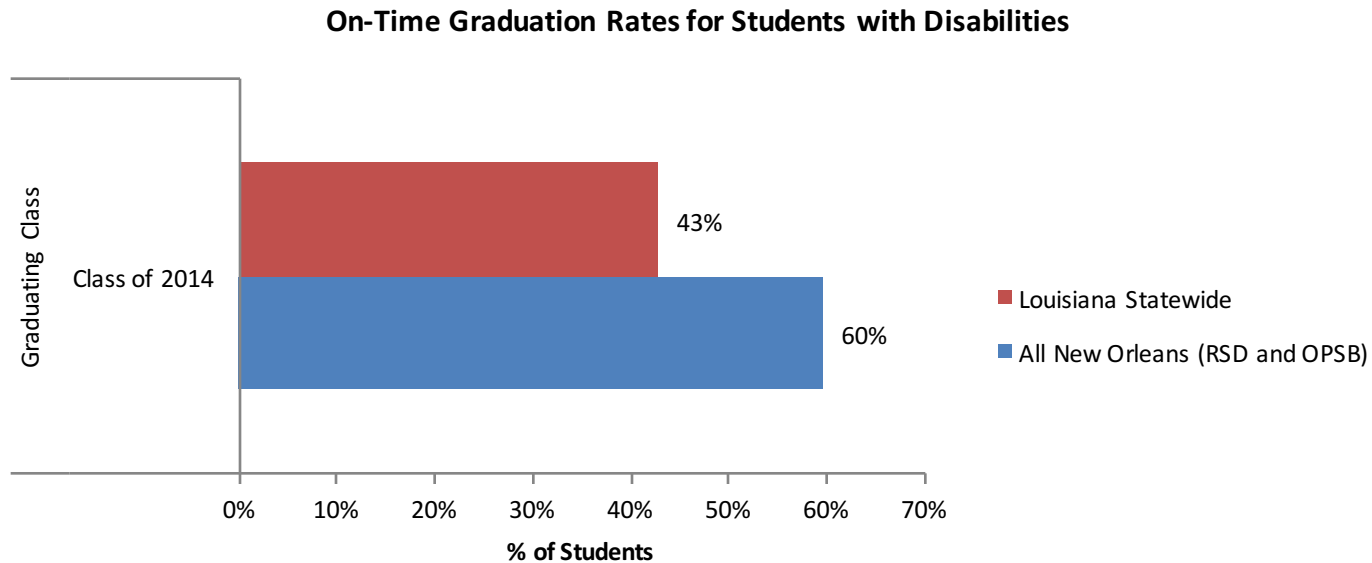
- Since 2004-05, the percentage of New Orleans students with disabilities achieving proficiency— Basic or above—on state tests (all grades, all subjects) has increased by 38 percentage points. The percentage of proficient special education students across the state has increased by 18 percentage points.



Improving Performance

Four-Year Cohort Graduation Rate

- In 2014, New Orleans outperformed the state with an on-time graduation rate for students with disabilities of 60%, compared to 43% statewide.



LDE Responsibilities

LDE Responsibilities

- Coordinate with SPLC & OPSB in selection of Independent Monitor
- Develop Orleans Child Find schedule & disseminate info annually
- Revise charter application & renewal processes
- Review Codes of Conduct for all Orleans Type 2 & 5 schools
- Develop policy guidance including discipline guidance and complaint investigation protocols
- Disseminate information regarding undocumented suspensions and discipline to parents
- Provide technical assistance and professional development to Type 2 & 5 charters
- Monitoring
- Collect written descriptions of Type 2 & 5 special education programs and link information on the RSD website
- Regularly collect and report information to the Independent Monitor

Charter Responsibilities

Child Find Responsibilities

- Comply with approved Child Find schedule
- Complete evaluations within applicable timelines
- Upon application or renewal of a charter contract, each Type 2 & 5 charter school shall be required to provide a description of the staff and/or contractors who will provide pupil appraisal services, including a description of qualified pupil appraisal personnel designated to serve on each organization's School Building Level Committee

Related Services Responsibilities

Upon application or renewal of a charter contract, each Type 2 & 5 charter school shall be required to provide a description of:

- the organization's plans for offering the full array of related services to students with qualifying disabilities who are or may come to be enrolled at the charter school, including without limitation the following categories or related services: physical therapy, occupational therapy, counseling services, orientation and mobility services, speech-language pathology, audiology services, school health/nurse services, special transportation, and adaptive physical education; and
- the charter school staff or contractors who will provide such services

Discipline Responsibilities

Codes of Conduct/Discipline Policies

- Submit for LDE review annually or provide written assurance that the code of conduct has not changed
- Ensure code of conduct/discipline policies are compliant with IDEA procedural protections and procedural safeguards for students with disabilities

Technical Assistance/Professional Development

- Participate in annual technical assistance & professional development focused on undocumented suspensions and best practices to reduce suspensions and expulsions for students with disabilities

Enrollment Responsibilities

- Principal shall annually acknowledge receipt of LDE policy guidance outlining legal obligations of Type 2 and 5 charters to enroll and serve students with disabilities
- Develop written description of special education program
- Develop a written complaint investigation protocol describing the school's process for investigating allegations of discrimination on the basis of disability

Special Education Program Description

Program descriptions must be made available to parents of students with disabilities and posted on each school's website

Required Information

Name & contact information of special education coordinator at each school

Description of how pupil appraisal, special education, and related services are provided by the school

Description of how the school plans to provide the continuum of special education placements for students whose IEP placement is outside of the regular education setting

Current enrollment rate of students with disabilities served by the school (LDE)

Current suspension rate of students with disabilities served by the school (LDE)

Number of students with disabilities who are removed for disciplinary reasons for more than 10 school days in one academic year (LDE)

Indication of the school's accessibility to individuals with mobility impairments

**Templates & LDE-provided data will be available Summer 2015
Schools must post program descriptions by August 1, 2015**

Complaint Investigation Protocol

The complaint investigation protocol shall be developed for the sole purpose of investigating enrollment discrimination arising under Section 504 of the Rehabilitation Act or Title II of the ADA. The protocol shall not supplant IDEA complaint procedures.

The LDE will develop a model complaint investigation protocol and will distribute annually

Required Information

Contact information of the individual at the school responsible for investigating complaints of alleged discrimination

Process by which parents may make complaints

Timeline for the school to conduct an investigation

Process by which the school will conduct the investigation

Process by which the school will disseminate the outcome of the investigation

Corrective action that may be taken as a result of noncompliance

Summary description of the protocol shall be widely disseminated to parents of students with disabilities enrolled at the school

Monitoring

Targeted Monitoring

- Consent judgment monitoring will supplement, not supplant, current IDEA monitoring procedures
- Monitoring may include any of the following:
 - Student file review
 - Staff interviews
 - School site visits
- Corrective Action Plans will be required if LEAs are noncompliant

Substantial Provision	Monitoring	Calculation	Selection
Child Find	Rate at which LEA identifies new students as eligible for services under the IDEA	Divide the number of students each LEA identifies for initial eligibility under the IDEA between July 1 and June 30 by the total number of students enrolled in the LEA on 10/1	Three LEAs with the lowest new identification rates (one each serving K-5, 6-8, and 9-12)
Related Services	Rate at which LEA provides related services to students eligible for such services under the IDEA	Divide the total number of minutes of related services per week identified in the IEPs of each student with a disability in an LEA on 10/1 by the total number of students with disabilities enrolled in the LEA on 10/1	Three LEAs with the lowest service provision rates
Discipline	Rate at which LEA removes students with disabilities for disciplinary purposes for more than 10 cumulative days in an academic year	Divide the total number of students with disabilities who experienced disciplinary removals for more than 10 cumulative days between July 1 and June 30 by the total number of students with disabilities enrolled in the LEA on 10/1	Three LEAs with the highest extended disciplinary removal rates
Enrollment	Rate at which students with disabilities at LEA choose not to reenroll each school year	Divide the total number of students with disabilities who are enrolled in a nonterminal grade at an LEA between September 1 and May 31 and are not enrolled in the LEA on 10/1 of the following school year by the total number of students with disabilities in the LEA on 10/1	Three LEAs with the highest mobility rates

Next Steps

Communications

- *News for Charter Schools*
 - The LDE will utilize the weekly News for Charter Schools newsletter to communicate information and approaching deadlines
- Direct Email Communication
 - The LDE may email special education coordinators, principals, CEOs directly to communicate time-sensitive and critical information such as missed deadlines

If charter schools have any questions about the settlement, please contact your Manager of School Performance or patrick.walsh@la.gov.

Charter Next Steps

- Review consent judgment
- Develop description of special education programs
- Ensure code of conduct/discipline policies include settlement-required information
- Ensure that all end of year LEADS submissions are accurately and timely (SIS & SER)
- Review the weekly *News for Charter Schools* newsletter for information on professional development & technical assistance as well as approaching deadlines for schools

Q & A

For more information, please contact Patrick.Walsh@la.gov

<https://www.surveymonkey.com/s/6LPSBF5>