



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1999 BRYAN ST., SUITE 1620
DALLAS, TX 75201-6810
April 20, 2017

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

[XXXX to end of address]

Via first class mail and email to [XXXX]

RE: OCR Case No. 06151374
St. Tammany Parish School Board

Dear [XXXX XXXX]:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its investigation of the above-referenced complaint that was filed against [XXXX XXXX], the St. Tammany Parish School Board (STPSB or District), in Covington, Louisiana. The complainant alleged that the STPSB discriminated against [XXXX XXXX] (Student) on the basis of disability. The complainant also alleged retaliation.

OCR is responsible for determining whether entities that receive or benefit from federal financial assistance from the Department, or 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 regulation at 34 C.F.R. Part 104, which prohibits discrimination on the basis of disability. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulation at 28 C.F.R. Part 35. Under Title II, OCR has jurisdiction over complaints alleging discrimination on the basis of disability that are filed against public entities. The Section 504 implementing regulation at 34 C.F.R. § 104.61 incorporates by reference the provision against retaliation under Title VI of the Civil Rights Act of 1964 and its implementing regulation at 34 C.F.R. Part 100. Title II also has a provision prohibiting retaliation at 28 C.F.R. § 35.134. The STPSB is a recipient of Federal financial assistance from the Department and is a public entity. Therefore, OCR has jurisdictional authority to process this complaint for resolution under Section 504 and Title II.

OCR opened the following legal issues for investigation:

1. Whether the STPSB 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., [XXXX to end of parenthesis]), and thereby denied the Student a free appropriate public education during the 2014-2015 school year, in violation of Section 504 and Title II and their implementing regulations, at 34 C.F.R. § 104.33 and 28 C.F.R. § 35.130, respectively;
2. Whether the STPSB discriminated against the Student on the basis of disability during the 2014-2015 school year by disciplining [XXXX] more harshly than one or more similarly situated students without disabilities, in violation of Section 504 and Title II and

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their implementing regulations, at 34 C.F.R. § 104.4 and 28 C.F.R. § 35.130, respectively; when:

- a. [XXXX to end of subsection];
 - b. [XXXX to end of subsection];
3. Whether the STPSB discriminated against the Student on the basis of disability by failing to take prompt and effective responsive action to address disability-based harassment directed at [XXXX] by a recipient staff member (i.e., [XXXX to end of parenthesis]), which was sufficient to constitute a hostile environment, of which it had or should have had notice during the 2014-2015 school year, in violation of Section 504 and Title II, at 34 C.F.R. § 104.4, and 28 C.F.R. § 35.130, respectively;
4. Whether the STPSB retaliated against the Student or the complainant during the 2014-2015 school year, in violation of Section 504 and Title II, at 34 C.F.R. § 104.61, and 28 C.F.R. § 35.134, respectively, when:
- a. [XXXX to end of subsection];
 - b. [XXXX to end of subsection]; and
 - c. [XXXX to end of subsection].

During the course of the investigation, OCR received and reviewed data provided by the District. This data included the STPSB's relevant policies and procedures, the Student's regular and special education files, correspondence between the recipient and the complainant, and information about the recipient's witnesses.

Prior to the completion of OCR's investigation, the STPSB informed OCR that it was interested in resolving the issues opened for investigation. Section 302 of OCR's *Case Processing Manual* provides that a complaint may be resolved at any time when, prior to the conclusion of an investigation, the recipient expresses an interest in resolving the allegations and issues and OCR determines that it is appropriate to resolve them with an agreement during the course of an investigation. On March 8, 2017, OCR determined it is appropriate to resolve the above issues with an agreement prior to the conclusion of the investigation.

The District voluntarily signed the enclosed Resolution Agreement (Agreement) on April 18, 2017 to resolve this complaint. The Agreement requires the District to revise its Section 504 and Title II policies and procedures, and to train all District employees on the revised policies and procedures. Further, the Agreement requires the STPSB to evaluate the Student; to determine what regular or special education and related aids and services are appropriate to meet the Student's individual educational needs; to determine whether the Student needs compensatory and/or remedial services; and to provide all such services as needed. OCR has determined the provisions of the Agreement are aligned with the complaint allegations and appropriately resolve them. Further, OCR accepts the Agreement as an assurance the District will fulfill its obligations under Section 504 and Title II with respect to this complaint. The dates for implementation and specific actions are detailed in the enclosed Agreement. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this complaint. However, OCR will actively

monitor the District's implementation of the Agreement. Please be advised that if the District fails to adhere to the actions outlined in the Agreement, OCR will immediately resume its compliance efforts.

This concludes the investigation stage of this complaint and should not be interpreted to address the STPSB's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. 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. The complainant may file a private suit in Federal court whether or not OCR finds a violation.

Please be advised that the District may not harass, coerce, intimidate, or discriminate against anyone because they have filed a complaint or participated in the complaint resolution process. If this happens, the person may file a complaint alleging such treatment.

Under the Freedom of Information Act, 5 U.S.C. § 552, it may be necessary to release this document 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.

Thank you for your cooperation during the investigation and resolution of this case. If you have any questions about this letter, please contact Cristin Hedman, the attorney assigned to investigate the complaint, at (214)-661-9647, or via email, at Cristin.Hedman@ed.gov. You may also contact Timothy D. Caum, Supervisory Attorney, at (214)-661-9648 or Timothy.Caum@ed.gov.

Sincerely,

/s/

Taylor D. August
Director
Office for Civil Rights
Dallas Office

Enclosure: Signed Resolution Agreement