



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

January 31, 2018

Dr. Daniel Rawls, Superintendent
Webster Parish School Board
1442 Sheppard Street
Minden, LA 71055

Via first class mail and email

Re: 06171325- Spring Branch Independent School District

Superintendent Rawls:

This letter is to notify you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its processing of the above-referenced complaint for resolution. The complaint was filed against the Webster Parish School Board (WPSB, District, or Recipient), in Minden, Louisiana. The Complainant alleged that the Recipient discriminated against her son (Student) on the basis of disability, and retaliated against her.

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. Retaliation for engaging in protected activity is also prohibited under these statutes. See 34 C.F.R. § 104.61 (Section 504), and 28 C.F.R. § 35.134 (Title II).

Based on the allegations, OCR opened for investigation the following legal issues:

1. Whether the District retaliated against the Complainant in February of 2017 by banning her from the campus of the Student's school, because she advocated to the Superintendent for the Student's rights as a student with a disability, in violation of Section 504 and Title II, at 34 C.F.R. § 104.61, and 28 C.F.R. § 35.134, respectively.
2. Whether the District discriminated against the Student on the basis of disability when it failed to conduct a manifestation determination hearing before suspending the Student for more than 10 total days, which resulted in a significant change in placement and thereby denied the Student a free appropriate public education during the 2016-2017 school year,

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in violation of Section 504 and Title II and their implementing regulations, at 34 C.F.R. § 104.35 and 28 C.F.R. § 35.130, respectively.

OCR determined that this complaint was appropriate to be processed via OCR's Rapid Resolution Process (RRP). During its investigation, OCR reviewed information provided by the Recipient. Prior to the completion of OCR's investigation, the Recipient informed OCR that it was interested in resolving the complaint allegation. 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 allegation. 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 the Recipient's request to resolve this complaint prior to the conclusion of the investigation.

The Recipient voluntarily submitted the enclosed Resolution Agreement (Agreement) to resolve this complaint, which it signed on January 30, 2018. OCR has determined the provisions of the Agreement are aligned with the complaint allegations and appropriately resolves them. Further, OCR accepts the Agreement as an assurance that the Recipient 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 Recipient's implementation of the Agreement. Please be advised that if the Recipient 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 the Recipient 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.

Thank you for the cooperation extended to OCR in our efforts to resolve this complaint. If you have any questions or concerns regarding this matter, you may contact the investigator attorney assigned to your complaint, Craig Nydick, at (214)-661-9622 or craig.nydick@ed.gov. You may also contact me at (214)-661-9600.

Sincerely,

Melissa Malonson
Supervisory Attorney/Team Leader
Office for Civil Rights
Dallas Office

cc:

X---Name Redacted---X (X---Email Redacted---X), Outside Counsel