



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

REGION VI  
ARKANSAS  
LOUISIANA  
MISSISSIPPI  
TEXAS

Mr. Mark Kolwe, Superintendent  
Tangipahoa Parish School System  
59656 Puleston Road  
Amite, LA 70422

RE: OCR Complaint #06-17-1404  
Tangipahoa Parish School Board

Dear Superintendent Kolwe,

This letter is to notify you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint, filed on February 22, 2017, against the Tangipahoa Parish School Board (the School Board). The Complainant alleged that the School Board discriminated against the Complainant's [XXXX] (the Student) on the basis of disability.

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 this 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 based on disability. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulations, at 28 C.F.R. Part 35, which prohibit public entities from discriminating on the basis of disability. Section 504 and Title II also prohibit retaliation.

The School Board is a recipient of Federal financial assistance from the Department and is a public educational institution. Therefore, OCR has jurisdictional authority to process this complaint under Section 504 and Title II.

OCR opened the following issues for investigation:

1. Whether the School Board discriminated against the Student on the basis of disability when the School Board failed to evaluate [XXXX] before taking any action (i.e., suspended the Student for 10 days) with respect to a subsequent significant change in placement, and thereby denied [XXXX] a free appropriate public education during the 2016-2017 school year, in violation of the Section 504 and Title II implementing regulations, at 34 C.F.R. §§ 104.33, 104.35 and 104.36, and 28 C.F.R. § 35.130, respectively.

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

2. Whether the School Board discriminated against the Student on the basis of disability by failing to take prompt and effective responsive action to address disability-based harassment by School Board employees (i.e., [X---phrase redacted---X] injured the Student by pulling on [XXXX] arm when the Student refused to go to the [XXXX XXXX]), which was sufficient to constitute a hostile environment, of which it had or should have had notice during the 2016-2017 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.

Prior to the conclusion of OCR's investigation, on September 11, 2017, the School Board informed OCR that it was interested in resolving the complaint. Section 302 of OCR's Case Processing Manual (CPM) 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 and OCR determines that such a resolution is appropriate. The provisions of the resolution agreement will be aligned with the complaint allegations or the information obtained during the investigation and will be consistent with applicable regulations. On September 18, 2017, OCR determined that a resolution under Section 302 of the CPM was appropriate.

On September 29, 2017, the School Board voluntarily signed and submitted to OCR a Resolution Agreement (Agreement) to resolve the complaint allegation. A copy of the Agreement is enclosed. OCR determined that 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 School Board will fulfill its obligations under Section 504 and Title II with respect to the complaint allegations. The dates for implementation and specific actions are detailed in the Agreement. OCR will monitor the School Board's implementation of the Agreement.

Effective the date of this letter, OCR is closing the investigation of this complaint. This letter should not be interpreted to address the School Board'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 have the right to file a private suit in Federal court whether or not OCR finds a violation.

Please be advised that the School Board 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, you 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 letter, please contact Kyle Gruber, the attorney assigned to investigate this complaint, at (214) 661-9613 or [Kyle.Gruber@ed.gov](mailto:Kyle.Gruber@ed.gov). You may also contact me at (214) 661-9648 or [Timothy.Caum@ed.gov](mailto:Timothy.Caum@ed.gov).

Sincerely,

Timothy D. Caum  
Supervisory Attorney/Team Leader  
Dallas Office

Enclosure:  
Resolution Agreement