



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

December 14, 2017

Re: OCR Complaint #06171462

Mark Kolwe, Superintendent
Tangipahoa Parish School Board
59656 Puleston Road
Amite, Louisiana 70422

Via first class mail and email (mark.kolwe@tangischools.org)

Dear Dr. Mark Kolwe:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its investigation of the above-referenced complaint, which was received in our office on March 7, 2017, and filed against the Tangipahoa Parish School Board (TPSB or District), in Amite, Louisiana. The Complainant alleged that the TPSB discriminated against XXXX XXXX (Student) on the basis of race (XXXX), disability (XXXX XXXX XXXX XXXX), and sex (XXXX). Specifically, OCR determined that the Complainant made the following allegations:

1. During the XXXX school year, the Student, was disciplined more harshly than other students on the basis of race, when XXXX was given in-school suspension (ISS) for approximately XXXX days and out-of-school suspension (OSS) for approximately XXXX days, for being disrespectful and/or talking, and XXXX Students were not disciplined for similar or more severe conduct;
2. During the XXXX school year, the Student was disciplined more harshly than other students on the basis of sex, when XXXX was given ISS for approximately XXXX days and OSS for approximately XXXX days, for being disrespectful and/or talking, and XXXX students were not disciplined for similar or more severe conduct; and
3. In XXXX XXXX and thereafter, approximately twice a week, TPSB staff members including teachers and assistant principals, verbally abused the Student on the basis of his disability when they made comments such as, they do not like XXXX, XXXX is never going to do anything, that XXXX is going to go to jail, and that XXXX thinks XXXX can get away with anything because of his 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

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

1973 (Section 504), 29 U.S.C. § 794 (amended 1992), and its implementing regulation at 34 C.F.R. Part 104; Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d *et seq.*, and its implementing regulation, at 34 C.F.R. Part 100; and Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulation, at 34 C.F.R. Part 106. Section 504 prohibits discrimination on the basis of disability; Title VI prohibits discrimination on the bases of race, color, and national origin; and Title IX prohibits discrimination on the basis of sex. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulations 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 TPSB is a recipient of Federal financial assistance from the Department and is a public entity. Therefore, OCR has personal jurisdictional authority to process this complaint for resolution.

OCR opened the allegations for investigation, and investigated the following issues:

1. Whether the TPSB discriminated against the Student, on the basis of race (XXXX), by disciplining XXXX more harshly than similarly situated XXXX students, (i.e., the Student received ISS for approximately XXXX days and OSS for approximately XXXX days, for being disrespectful and/or talking, and XXXX Students were not disciplined for similar or more severe conduct) in violation of Title VI at 34 C.F.R. § 100.3;
2. Whether the TPSB discriminated against the Student, on the basis of sex (XXXX), by disciplining XXXX more harshly than similarly situated XXXX students, (i.e., the Student received ISS for approximately XXXX days and OSS for approximately XXXX days, for being disrespectful and/or talking, and XXXX Students were not disciplined for similar or more severe conduct) in violation of Title IX, at 34 C.F.R. § 106.31; and
3. Whether the TPSB discriminated against the Student on the basis of disability by failing to take prompt and effective responsive action to address disability-based harassment by TPSB staff members, which was sufficient to constitute a hostile environment, of which it had or should have had notice between XXXX XXXX and the end of the XXXX 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 OCR making an investigative determination, the TPSB requested to resolve the complaint by voluntarily entering into a Resolution Agreement (Agreement). Under OCR's procedures, a complaint may be resolved at any time when, prior to the conclusion of the investigation, a recipient expresses an interest in resolving the allegations and issues and OCR determines that it is appropriate to do so.

On December 14, 2017, the TPSB voluntarily entered into the enclosed Agreement, which, when fully implemented, resolves the complaint. The Agreement is aligned with the complaint allegations and the information obtained during the investigation, and is consistent with applicable law and regulations. Specifically, the Agreement requires the TPSB to provide training to relevant TPSB staff members concerning Section 504, Title II, Title VI, and Title IX,

prohibitions on disability-based harassment, and different treatment on the basis of race, color, national origin, and sex, the TPSB's harassment policies, and the TSPB's discipline policies; reaffirm and remind XXXX XXXX XXXX XXXX (XXXX) staff members in writing concerning where to locate TPSB policies and procedures relating to discipline, that Students shall be disciplined in a manner consistent with disciplinary policies and procedures of the TPSB and commensurate with their culpability, and concerning the Title VI and Title IX prohibitions against different treatment on the basis of race, color, national origin, and sex with respect to discipline; complete an investigation into the allegations of disability-based harassment referenced within the complaint; appropriately address the harassment if it is substantiated during the investigation; provide the Student the opportunity for a determination by a group of knowledgeable persons concerning the Student's needs on an individualized basis if the Student attends school or reenrolls within the District; evaluate the Student's needs for compensatory and/or remedial services if the Student attends school or reenrolls within the District; and review the Student's disciplinary record to ensure discipline is consistent with TPSB policies and expunge the Student's record if appropriate. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this complaint. However, OCR will actively monitor the TPSB implementation of the Agreement to ensure compliance with Title VI, Title IX, Section 504, and Title II with regard to the issues investigated.

This concludes OCR's investigation of the complaint and should not be interpreted to address the District'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. Please also note that 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 a 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, complainants 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, it 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, you may contact Civil Rights Investigator Ennise Henderson, at (214) 661-9681 or Ennise.Henderson@ed.gov, or you may contact Paul Coxe, Supervisory Attorney/Team Leader, at (214) 661-9608 or Paul.Coxe@ed.gov.

Sincerely,

Paul Edward Coxe
Supervisory Attorney/Team Leader
Office for Civil Rights
Dallas Office

Enclosure

cc: XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX (via email at XXXX)