



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
LOUISIANA
MISSISSIPPI
TEXAS

November 19, 2019

[*redacted*]
Superintendent
Tangipahoa Parish School System
59656 Puleston Rd.
Amite, LA 70422

OCR Ref. No. 06191576

Superintendent [*redacted*]:

The United States Department of Education (Department), Office for Civil Rights (OCR), has resolved the investigation opened pursuant to the complaint referenced above, which was filed against the Tangipahoa Parish School System (TPSS, the Recipient), in Amite, Louisiana. The Complainant alleged that the Student was discriminated against 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 the Department, are in compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulations at 34 C.F.R. Part 104. Section 504 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. §§ 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 certain public entities. Because TPSS is a recipient of Federal financial assistance and is a covered public entity, OCR has jurisdictional authority to process this complaint for resolution under Section 504 and Title II.

OCR opened the following issue for investigation:

Whether TPSS 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. [redacted]), and thereby denied the Student a free appropriate public education during the 2018-2019 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.

In its investigation to date, OCR reviewed documentation pertaining to the Student, including but not limited to [redacted], and reviewed documentation provided by the Complainant.

OCR's investigation determined that the Student was enrolled at [*redacted*], and had a 504 plan in place. The Student's plan included, among other accommodations, the requirement that the Student have [*redacted*]. After [*redacted*], the school provided documentation that it did engage the services of other paraprofessionals to provide the necessary services, but

documentation demonstrates that [redacted]. Based on this information, OCR has concerns that the Student was not receiving FAPE in accordance with the requirements of Section 504 and Title II throughout the school year.

Prior to the conclusion of OCR's investigation, TPSS expressed an interest in voluntary resolution of this issue, pursuant to OCR's Case Processing Manual (CPM) Section 302. On November 19, 2019 TPSS entered into the attached Agreement, which adequately addresses these concerns. OCR has determined the provisions of the Agreement are aligned with this complaint allegation and appropriately resolves it. 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 issue. 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 issue. 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 concludes OCR's investigation of this 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. 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 District 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.

If you have any questions, please feel free to contact the attorney-investigator, [*redacted*], by telephone at [*redacted*] or by e-mail at: [*redacted*]. You may also contact me by telephone at [*redacted*].

Sincerely,

[*redacted*]
Supervisory Attorney/Team Leader
Office for Civil Rights
Dallas Office

Attachment: Resolution Agreement