



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS -- REGION VII

December 13, 2013

Patrick Kraning, Superintendent
Estelline School District #28-2
708 Davis Avenue
Post Office Box 306
Estelline, South Dakota 57234

Re: OCR Docket # 07131185

Dear Superintendent Kraning:

On June 3, 2013, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against the Estelline School District #28-2 (District), Estelline, South Dakota, alleging discrimination on the bases of race and disability. This letter is to confirm that the District has voluntarily submitted a Resolution Agreement to OCR to resolve this complaint.

Specifically, the complainant alleged the District:

1. discriminated against her daughter, who is XXXXX, on the basis of her race by giving all fifth grade students other than her daughter an academic award or certificate during a student awards ceremony held on or around May 17, 2013; and
2. discriminated against her daughter on the basis of her disability (XXXXX XXXXX XXXXX) by giving all fifth grade students other than her daughter an academic award or certificate during a student awards ceremony held on or around May 17, 2013.

OCR is responsible for enforcing:

- Title VI of the Civil Rights Act of 1964 (Title VI), 42 United States Code (U.S.C.) § 2000d, and its implementing regulation, 34 Code of Federal Regulations (C.F.R.) Part 100. Title VI prohibits discrimination on the basis of race, color, or national origin by recipients of Federal financial assistance (FFA).
- Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104. Section 504 prohibits discrimination on the basis of disability by recipients of FFA.

ONE PETTICOAT LANE, 1010 WALNUT STREET, SUITE 320, KANSAS CITY, MO 64106
www.ed.gov

- Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by public entities.

As a recipient of FFA from the Department and a public entity, the District is subject to Title VI, Section 504, and Title II. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

Prior to the completion of OCR's investigation, the District submitted a signed Agreement (copy enclosed) on December 13, 2013, that, when fully implemented, will address the allegations of this complaint.

OCR considers the allegations of this complaint resolved effective the date of this letter and will monitor the District's implementation of the Agreement. When OCR concludes the District has fully implemented the terms of the Agreement, OCR will close the complaint. If the District fails to carry out the Agreement, OCR may resume its investigation.

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.

OCR is committed to prompt and effective service. If you have any questions, please contact XXXXX XXXXX, Attorney, at (816) 268-XXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by e-mail at XXXXX.XXXXX@ed.gov.

Sincerely,

/s/ Kelli Douglas

Kelli Douglas
Supervisory Attorney

Enclosure

cc: Dr. Melody Schopp
Secretary of Education