



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS -- REGION VII

March 7, 2016

XXX XXXXXX, Superintendent
Stanley County 57-1 Public Schools
Post Office Box 370
Fort Pierre, South Dakota 57532-0370

Re: Docket No. 07161061

Dear Superintendent XXXXXX:

On October 8, 2015, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint alleging discrimination on the basis of disability by the Stanley County 57-1 Public Schools, Fort Pierre, South Dakota (District). This letter is to confirm that the District has voluntarily submitted a Resolution Agreement (Agreement) to resolve the complaint.

Specifically, the Complainant alleged the District was discriminating against her son (the Student) on the basis of his disability (ADD) by refusing to recognize him as a qualified student with a disability who is entitled to accommodations.

OCR is responsible for enforcing:

- Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation, 34 Code of Federal Regulations (C.F.R.) Part 104. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance (FFA); and
- 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 Section 504 and Title II. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

OCR identified this complaint as appropriate for the Rapid Resolution Process (RRP), which is an expedited case processing approach utilized in certain substantive areas determined appropriate by OCR. During the course of its investigation, OCR interviewed the Complainant, and reviewed information submitted by the Complainant and the District, including correspondence between the Complainant and District officials.

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Prior to the conclusion of the investigation, the District expressed an interest in resolving the allegations and issues identified during the course of OCR's investigation. OCR determined that it was appropriate to resolve this complaint with an agreement pursuant to the process outlined in Section 302 of the *OCR Case Processing Manual*.¹ Accordingly, the District submitted a signed Agreement (copy enclosed) on March 4, 2016, which, when fully implemented, will address the complaint allegations.

The Agreement requires the District to conduct an evaluation of the Student to determine whether he is eligible for services and/or accommodations pursuant to Section 504/Title II. Pursuant to the Agreement, if the District determines that the Student is a qualified student with a disability, the District will consider whether compensatory services are appropriate for the time during the 2014-15 and 2015-16 school years when the Student did not receive services or accommodations. In addition, the Agreement requires the District to provide training to District staff regarding compliance with Section 504 and Title II and the District's Section 504/Title II policies. Please consult the Agreement for further details.

OCR considers the 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.

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, please be advised 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.

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.

¹ The *Case Processing Manual* is available on OCR's website at <http://www.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>.

Page 3 – XXX XXXXXX, Superintendent – 07161061

OCR is committed to prompt and effective services. If you have any questions, please contact XXXXXXXXXXX XXXXX, Attorney, at (XXX) XXX-XXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at XXXXXXXXXXX.XXXXXX@ed.gov.

Sincerely,

J. Earlene Gordon
Supervisory Attorney

Enclosure

cc: Dr. Melody Schopp
South Dakota Secretary of Education