



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VII
KANSAS
MISSOURI
NEBRASKA
OKLAHOMA
SOUTH DAKOTA

February 27, 2018

SENT VIA EMAIL

Robert Sittig, Superintendent
Baltic School District
PO Box 309
1 Bulldog Avenue
Baltic, South Dakota 57003

Re: Baltic School District
OCR Case Number: 07-18-1034

Dear Superintendent Sittig:

On November 16, 2017, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against the Baltic School District (District), Baltic, South Dakota. This letter is to confirm the District has voluntarily submitted a Resolution Agreement (Agreement) to resolve this complaint.

OCR investigated whether the District denied the Complainant's daughter (Student) a free appropriate public education (FAPE) when it failed to conduct an appropriate evaluation of the Student on October 24, 2017, in violation of 34 C.F.R. §§ 104.34 and 104.35(c), when it failed to include an individual knowledgeable about the meaning of audiological data at the meeting, consider an outside evaluation, and consider placement options.

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).
- 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, the District is subject to Section 504 and Title II. To protect individuals' privacy, the names of employees, students, and other witnesses also were not used in the letter.

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

On February 5, 2018, OCR sent notification letters to the parties, including a data request to the District. In the notification letter to the District, OCR indicated that this case had been identified as appropriate for OCR's Rapid Resolution Process (RRP). On February 7, 2018, the District indicated an interest in engaging in RRP.

On February 26, 2018, the District signed an Agreement (copy enclosed) that, when fully implemented, will resolve the allegation under investigation. To resolve the allegations, the District agreed to convene an individualized education plan (IEP) meeting regarding the Student, consider at that meeting a forthcoming independent educational evaluation and any other evaluations the District obtains, provide the Complainant with procedural safeguards, consider whether the Student should be provided compensatory services for the alleged FAPE denial, and if so, provide same. Please review the Agreement for further details.

OCR considers 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 the 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 email at XXXXX.XXXXX@ed.gov.

Sincerely,

Anne Bradley
Acting Supervisory Attorney

Enclosure