



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VII
KANSAS
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March 16, 2018

Sent via electronic mail only to XXXXX@XXXXX.com

XXXXX X. XXXXX, Esq.
XXXXX, XXXXX, XXXXX & XXXXX, XXXXX
X XXXXX XXXXX XXXXX, XXXXX XXX
XXXXX XXXXX, XXXXX XXXXX

Re: Fox C-6 School District
OCR Compliance Review Number: 07-10-5001

Dear Mr. XXXXX:

On March 19, 2010, the U.S. Department of Education (Department), Office for Civil Rights (OCR), initiated a compliance review of the Fox C-6 School District (District), Arnold, Missouri, under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990. This letter is to confirm that the District has voluntarily submitted a Resolution Agreement (Agreement) to resolve this compliance review.

This compliance review assessed whether the District discriminates on the basis of disability against students with food allergies and other health impairments such as diabetes. Specifically, the review addressed whether the District provides individualized health plans to students with food allergies and other health impairments that do not comply with the requirements of Section 504 and Title II, thereby denying those students opportunities to participate in and benefit from the District's programs and activities that are equal to the opportunities afforded to students without disabilities.

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.

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

Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

To protect individuals' privacy, OCR has not used the names of District employees, students, or other individuals in this letter.

Legal Standard

Under both the Section 504 regulations, at 34 C.F.R. §104.4(b)(1)(i), (ii) and (iii), and the Title II regulations, at 28 C.F.R. §35.130(b)(1)(i), (ii) and (iii), school districts may not deny a qualified person with a disability an opportunity to participate in or benefit from an aid, benefit, or service, afford a qualified person with a disability an opportunity to participate in or benefit from an aid, benefit, or service that is not equal to that afforded to others, or provide a qualified person with a disability with an aid, benefit, or service that is not as effective as that provided to others.

Section 504, at 34 C.F.R. § 104.33(a), requires school districts to provide each student with a disability in their jurisdiction a free appropriate public education (FAPE). An "appropriate education" is defined as regular or special education and related aids and services that are designed to meet the individual needs of a student with a disability as adequately as the needs of students without disabilities are met, and that satisfy Section 504's procedural requirements. 34 C.F.R. § 104.33 (b)(1). Though not explicitly required by the Department's Section 504 regulations, school districts often document the elements of an individual student's FAPE in a document typically referred to as a "504 plan." The Section 504 regulation at 34 C.F.R. § 104.35 requires school districts to evaluate any student who, because of disability, needs or is believed to need special education or related services. School districts must have standards and procedures that ensure evaluation materials are properly selected and administered.

In interpreting evaluation data and making placement decisions, school districts must: 1) draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior; 2) establish procedures to ensure that information obtained from all such sources is documented and carefully considered; 3) ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and 4) ensure that the placement decision is made in conformity with the regulation implementing Section 504 at 34 C.F.R. § 104.34 (educational setting).

Appendix A to 34 C.F.R. Part 104 states that, except in extraordinary circumstances, OCR does not review the results of individual placement and other educational decisions as long as the school district has complied with Section 504 procedural requirements with respect to identification and location, evaluation, and due process. However, procedural inadequacies that result in the loss of educational opportunity may constitute a denial of FAPE. Title II does not contain specific provisions regarding FAPE but prohibits discrimination against qualified individuals with disabilities by public entities. The Title II regulation states, at 28 C.F.R. § 35.103, that it does not set a lesser standard than the standards applied under Section 504.

The Section 504 regulation establishes a framework to determine if a student is a qualified individual with a disability entitled to services. The Section 504 regulation at 34 C.F.R. § 104.3(j) defines a disability as a physical or mental impairment that substantially limits one or more major life activities; the Title II regulation, at 28 C.F.R. § 35.104, has the same definition. The determination of whether a student has a physical or mental impairment that substantially limits a major life activity must be made on the basis of an individual inquiry. The Section 504 regulatory provision at 34 C.F.R. § 104.3(j)(2)(i) defines a physical or mental impairment as any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The regulatory provision does not set forth an exhaustive list of specific diseases and conditions that may constitute physical or mental impairments because of the difficulty of ensuring the comprehensiveness of such a list. The Section 504 regulation at 34 C.F.R. § 104.3(j) defines “major life activities” as functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. This list is not exhaustive.

The Americans with Disabilities Act Amendments Act of 2008 (ADAAA), which became effective January 1, 2009, amended the meaning of the term “disability” under Title II, and includes a conforming amendment to Section 504. The ADAAA retained the same definition of disability as Title II but emphasized that the definition should be broadly construed. The ADAAA specified additional functions that are considered major life activities, including eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating, as well as the operation of major bodily functions such as the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Since the ADAAA went into effect, school districts, in determining whether a student has a physical or mental impairment that substantially limits that student in a major life activity, must not consider the ameliorating effects of any mitigating measures used by the student. Congress did not define the term “mitigating measures,” but rather provided a non-exhaustive list of mitigating measures: medication; medical supplies, equipment or appliances; low-vision devices (which do not include ordinary eyeglasses or contact lenses); prosthetics (including limbs and devices); hearing aids and cochlear implants or other implantable hearing devices; mobility devices; oxygen therapy equipment and supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; and learned behavioral or adaptive neurological modifications. Congress created one exception to the mitigating measures analysis. The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses may be considered in determining if an impairment substantially limits a major life activity. (“Ordinary eyeglasses or contact lenses” are lenses that are intended to fully correct visual acuity or eliminate refractive error, whereas “low-vision devices” are devices that magnify, enhance, or otherwise augment a visual image.)

Preliminary Investigative Findings

The preliminary findings set out below are based on documentation submitted to OCR by the District from the 2009-10 school year through the 2015-16 school year, including District policies and procedures regarding students with disabilities, Section 504 Manuals and forms, students' Section 504 files, school nurse files, spreadsheets with information about students with Individualized Education Programs (IEPs) and Section 504 plans, and information about students who have been "medically flagged" by the District. In addition, the preliminary findings are based on: information obtained during May and June 2015 telephone interviews with District personnel, specifically the District-wide 504 coordinator at the time, the District's director of nursing at the time (Nursing Director 1), and either a school nurse or building-level Section 504 coordinator from each District elementary, middle, and high school; and information collected during a July 2015 site visit to 10 District schools, where OCR reviewed Section 504 files and school nurse files.

2014-15 School Year Section 504 Process

During the 2014-15 school year, each of the District's elementary and middle schools had one school nurse and one school counselor, and each of the high schools had two school nurses and four school counselors. School counselors served as the building-level Section 504 coordinators at all of the schools. Each counselor at Fox High School and Seckman High School served as the building-level Section 504 coordinator for students assigned alphabetically by last name.

At the beginning of the school year, the District requested parents complete a three-page health inventory form for each District student and submit it to the student's school. The form used during the 2014-15 school year (2014/15 Health Inventory) asked for student and parent contact information, parent authorization for medical treatment of the student in the case of an emergency, information regarding the student's medical condition, and information about medication the student was taking or might need. The 2014/15 Health Inventory included a section titled "Health Information" that asked parents if their child had: 1) allergies; 2) asthma; 3) diabetes; 4) epilepsy/seizures; and/or 5) a heart condition, and sought additional information regarding those conditions. The Health Inventory also provided parents an opportunity to list "other concerns" they had about a student's health. In addition, it asked about the student's "diagnosis" and what, if any, medication the student was taking, or needed to take, at school, including the name of the medication, the dosage, and the time the student needed to take the medication.

Parents' completed health inventory forms are provided to the nurse at their child's school, and the nurse is responsible for reviewing the forms and compiling a list of students with particular health conditions who attend the school. Each school's list, known as the "Medically Flagged Student List," is supposed to be completed near the beginning of the school year and updated throughout the year as needed, e.g., when new students enroll in a school or a student's health status changes. The school nurse for one elementary school told OCR that during the 2014-15 school year, the building-level Section 504 coordinator and principal at her school helped compile the school's Medically Flagged Student List; all of the other nurses and Section 504 coordinators OCR interviewed stated that the building nurses were solely responsible for

preparing their school's Medically Flagged Student List.

The Medically Flagged Student List used during the 2014-15 school year contained nine categories of medical conditions intended to guide the school nurses in deciding which students to include on the list. Nursing Director 1 told OCR in May 2015 that she met with other nurses in the District several years prior (after OCR initiated this compliance review) to develop the categories for the Medically Flagged Student List as a way of helping nurses identify students who might qualify as individuals with a disability under Section 504. The categories these nurses selected for the Medically Flagged Student List were:

Diabetics

Bleeding disorders

Seizures

Cardiac Issues that are Ongoing

Asthmatics that are Uncontrolled

Students with Epi pens at School

Students Requiring Special Procedures

504's due to Physical Impairment/IHP's

Any Other Health Impairments Requiring Specialized Ongoing Nursing Care

OCR interviewed the nurses about their understanding and use of the Medically Flagged Student List. All of the nurses OCR interviewed stated they used the categories to help them decide which students to include on the list. Some of the nurses stated that they sometimes included students on their Medically Flagged Student List who did not fit into any of the prescribed categories, while others indicated that they limited their list to students who fell within one of the nine preset categories.

OCR asked the nurses to define or explain what the term "uncontrolled asthmatic" meant as used on the Medically Flagged Student List categories and received the following, varied descriptions:

- a student who needs to use an inhaler multiple times a day or multiple times a week and may also need a nebulizer or albuterol solution to help get her breathing under control and open her airway;
- a student whose medication regimen is not controlling her asthma and who is coming in frequently to the nurse's office to use an emergency inhaler;
- a student whose asthma removes her from the learning environment and threatens her physical and mental functioning because she is not able to breath adequately, or a student whose current asthma treatment is not adequate to help the student restore her breathing to a level defined by the student's doctor;
- a student who is constantly having to go to the nurse's office to use an inhaler and/or a nebulizer and is having ongoing difficulty breathing; and

- a student who needs to frequently use a rescue inhaler, has severe asthma symptoms, and may need to be hospitalized.

Two of the nurses told OCR that a student with a tracheostomy tube who requires assistance with tube care and suctioning might fall under the “Students Requiring Special Procedures” category on the Medically Flagged Student List. One of the nurses told OCR that a student who has an issue with incontinence and needs toileting assistance might fall under the “Other Health Impairments Requiring Specialized Ongoing Nursing Care” category. Another nurse stated that a student with hearing aids or a prosthetic limb might fall within the latter category.

The nurses told OCR that they generally consulted their school’s Medically Flagged Student List from the previous school year to help them complete the Medically Flagged Student List for a new school year. Some of the nurses also said they would contact a student’s parent for more information about a health condition the parent listed on the student’s health inventory form prior to completing their Medically Flagged Student List.

The nurses told OCR that after compiling the Medically Flagged Student List for their school, each nurse met jointly with the building-level 504 coordinator and principal as a “Child Find team” to go through each student on the List and discuss whether the student has a physical or mental impairment that “actually” or “potentially” causes a substantial limitation of a major life activity. Most of the Section 504 coordinators told OCR they did not know how the nurse(s) at their school decided which students to include on the Medically Flagged Student List.

The nurses and counselors OCR interviewed said the Child Find team meeting generally occurred in or around September. The Child Find team, or a member of the team, transferred the names of the students from the school’s Medically Flagged Student List onto a District Child Find and Evaluation form (Child Find form), and the team filled in the information requested on the form for each student. The Child Find team may discuss students not included on the Medically Flagged Student List that have been brought to the team’s, or a team member’s, attention. At the high school level where there are multiple building-level Section 504 coordinators and more than one school nurse, the members of the Child Find team vary; all of the building nurses, counselors, and principals do not necessarily participate on the Child Find team at the same time.

At the top of the Child Find form the District used during the 2014-15 school year are spaces to enter the name of the applicable school and the date the form is being completed. The form contained 11 columns that were to be filled in for each student the Child Find team considered/discussed. The column headings were as follows:

Student’s Name	Health Concerns with/without Medical Diagnosis	Grade	IEP	Does the IEP address health concerns?	Limitation	Substantial Limitation	Mitigating Measures	Confirmed By Doctor	Does an IHP ¹ address the concerns?	Refer for 504 evaluation
Name	Concerns		Y/N	Y/N	Y/N	Potential/Actual	Describe	Y/N	Y/N	Y/N

¹ Individualized health plan.

As described during interviews with OCR, the Child Find team is supposed to include an entry for each student discussed by the team on the Child Find form, and as students are discussed, the team is supposed to make a decision about whether or not to refer the student for a Section 504 evaluation. If the team decides a student should be referred for a Section 504 evaluation, a member of the team—usually the nurse or counselor—fills out a Staff Section 504 Referral Form. Sometimes, if a student is having academic issues, the Child Find team will ask the student’s teacher to help fill out the Staff Section 504 Referral Form. District personnel who are not on a school’s Child Find team, such as teachers, may refer a student for a Section 504 evaluation without going through the Child Find team by completing a Staff Section 504 Referral Form and turning it in to their building Section 504 coordinator. In addition, parents may request a Section 504 evaluation of their child verbally or in writing. For parent referrals, the parent is asked to complete a Parent Section 504 Referral Form.

After the Child Find team decides to refer a student for a Section 504 evaluation or a District staff member or parent completes a Section 504 referral for a student, a school-based team that generally consists of the school nurse, counselor, principal, the student’s teacher(s), and any other person with important information about the student, meets to review the information on the referral form, and determines whether there is reason to suspect that the student may have a “504 disability.” If the team decides there is no reason to suspect that the student may have a 504 disability, the decision is supposed to be documented and the Section 504 process stopped. Where the Section 504 referral was initiated by a parent, the parent is to receive a Notice of Action refusing the parent’s request for a Section 504 evaluation and a copy of the District’s Section 504 procedural safeguards. Where the Section 504 referral was made by a staff member, the staff member is supposed to be notified of the team’s decision. If the school-based team determines there is a reason to suspect that a student may have a 504 disability, the next step is to schedule a review of existing data (RED) meeting.

The nurse, counselor, principal, one or more teachers, and other staff with important information generally participate in the RED meeting. At most District schools, a student’s parents are also invited to participate in the RED meeting. At the RED meeting, a multidisciplinary team reviews the data or information it has regarding the student in question. The data reviewed at the RED meeting may include medical information provided by a parent, a student’s nursing records, a student’s grades, and other school records. Once the team reviews the student data/information, it determines whether it has enough information to make a Section 504 eligibility determination for the student or needs to gather additional information in order to make an eligibility determination. If the team determines it has enough information to make an eligibility determination, it may proceed directly into an eligibility determination meeting or may schedule an eligibility determination meeting for a later date. Most of the counselors and school nurses told OCR that a student’s parents are generally included in the Section 504 eligibility determination meeting.

The nurses and Section 504 coordinators OCR interviewed stated that if the multidisciplinary team at their school determines a student has a mental or physical impairment that substantially limits one or more major life activities, the team finds the student Section 504 eligible and develops a 504 plan for the student. The 504 plan may be developed at the same meeting where the student was found to be Section 504 eligible, or may be developed at a separate, subsequent

meeting. Generally, parents are invited to participate in developing a student's 504 plan. Several of the school counselors and nurses told OCR that at their school, it generally takes around 30 days from the time the Child Find team discusses whether to refer a student for a Section 504 evaluation to the time a 504 plan is developed for the student, assuming he or she is Section 504 eligible. In addition, several of the school nurses told OCR they update their Medically Flagged Student List throughout the school year to include new students or students whose health condition changed during the school year, and that their school's Child Find team reconvenes during the year to discuss students new to the list. Some nurses indicated that their school's Child Find list is also updated throughout the school year, while others stated that even if the Child Find team reconvenes mid-year to discuss a student, the Child Find form itself is not always updated.

The District's Section 504 Manual in effect during the 2014-15 school year did not describe or address the development or use of the Medically Flagged Student Lists by District schools or the development or use of the District's Child Find form as tools for identifying students who may qualify for Section 504 services.

As of June 2015, approximately 166 students in the District had a Section 504 plan, and approximately 2,061 students had an IEP. OCR determined that District students with a variety of different types of health conditions had Section 504 plans during the 2014-15 school year, including but not limited to students with diabetes, attention deficit hyperactivity disorder, attention deficit disorder, food allergies, Tourette syndrome, narcolepsy, major depressive disorder, cystic fibrosis, grand mal seizures, and petit mal seizures.

The school nurses told OCR that individualized health plans (IHPs) are plans developed by a nurse to help teach a student how to manage his or her health condition, and include goals for the student. For example, if a nurse has a diabetic student in her building and the student has little knowledge about diabetes and/or how to care for her diabetes, the nurse may develop an IHP for the student with goals aimed at helping the student increase her knowledge about diabetes and teaching the student different skills for managing her diabetes. The nurses OCR interviewed indicated that an IHP is not used in place of a Section 504 plan, and students do not need to have an IHP in order to qualify for a Section 504 plan. All of the building Section 504 coordinators OCR interviewed said they had heard of IHPs, but many were not aware of the circumstances under which a school nurse would develop an IHP for a student. The Section 504 coordinators told OCR that IHPs are not used in place of 504 plans at their school, and that students do not need to have an IHP in order to qualify for a 504 plan.

Nursing Director 1 told OCR that as of the 2014-15 school year, all District students with diabetes had a Section 504 plan, unless their diabetes was already being addressed in an IEP or the student's parent refused a 504 plan. All of the other school nurses OCR interviewed in May and June 2015 indicated that all of the students with diabetes in their school during the 2014-15 school year had either a Section 504 plan or an IEP that addressed their diabetes. However, the school nurse for one elementary school told OCR that students with type II diabetes may not have the same needs as students with type I diabetes and "may not be substantially limited [in a major life activity] if their diabetes is controlled by an oral medicine."

Nursing Director 1 told OCR every student in the District with diabetes should have a plan provided by their physician, which is generally called a diabetes management plan. Nursing Director 1 said a student's diabetes management plan is typically two pages long and provides the physician's instructions for care of the student's diabetes. She said a diabetes management plan does not replace a Section 504 plan; it is an independent document. None of the nurses OCR interviewed in May and June 2015 indicated that diabetes management plans were used in place of 504 plans in the District, or that a student with diabetes needed to have a diabetes management plan in order to qualify for a 504 plan.

Students in the District with asthma often have an asthma action plan developed by their physician that provides guidelines for the school nurses to care for the students' asthma. Nursing Director 1 told OCR that asthma action plans are considered "physician orders," and when a student has asthma and provides the school with an inhaler, the school nurse attempts to get an asthma action plan from the student's physician, if one has not already been provided. All of the building-level 504 coordinators and school nurses told OCR that asthma action plans are not used in place of Section 504 plans in the District, and a student with asthma does not need to have an asthma action plan in order to qualify for a Section 504 plan.

Similarly, students in the District with a seizure disorder often have a seizure action plan provided by their physician that provides guidelines for the school nurses to care for the students. Nursing Director 1 told OCR that for each student in the District with a seizure disorder, the District tries to obtain a seizure action plan from the student's physician. All of the building-level Section 504 coordinators and school nurses told OCR seizure action plans are not used in place of 504 plans, and a student with a seizure disorder does not need to have a seizure action plan in order to qualify for a 504 plan.

Students in the District with a food allergy or other type of allergy often have an allergy action plan, or other type of allergy plan or protocol, developed by their physician that acts as orders for the school nurses regarding how to care for the students. All of the school nurses and building-level Section 504 coordinators told OCR that allergy plans or protocols are not used in place of 504 plans in the District. In addition, they all stated that students do not need to have an allergy plan or protocol in order to qualify for a 504 plan.

2015-16 School Year Medically Flagged/Child Find Implementation

During the 2015-16 school year, the District continued using Medically Flagged Student Lists completed by the school nurses as a starting point for identifying students who may be qualified individuals with a disability under Section 504.

In January 2016, the District provided OCR the 2015-16 Medically Flagged Student Lists and Child Find forms for each District school. The categories included on the Medically Flagged Student Lists remained the same as the ones used during the 2014-15 school year. The Child Find forms had spaces at the top for entering the applicable school name and recording the "date of initial evaluation," "dates of review," and an end-of-year review date, and contained 11 columns that were to be filled in for each student the Child Find team considered/discussed. The

column headings on the 2015-16 Child Find forms were as follows:

STUDENT Last Name, First	GRADE	Health Concern with/without Medical Diagnosis	Substantial Limitation actual/potential	Mitigating Measure (Describe)	Confirmed By Doctor Yes/No	IEP Yes/No	Does IEP address health concern? Yes/No	Current 504? Yes/No	Refer for 504 Evaluation Yes/No	If referred/ Outcome
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According to the District, at the end of calendar year 2015, it had 1,986 students with disabilities receiving services under the IDEA, and 135 students with a 504 plan.

2014-15 Section 504 and Nursing Files

OCR staff conducted a site visit July 20-22, 2015, to review student records at 10 District schools, specifically Antonia Elementary School, Fox Elementary School, Guffey Elementary School, Meramec Heights Elementary School, Rockport Heights Elementary School, Seckman Elementary School, Fox Middle School, Seckman Middle School, Fox High School, and Seckman High School. At each school, OCR staff reviewed Section 504 files for students with a 504 plan and school nurse files both for students with a 504 plan and students with medical conditions who were included on their school’s 2014-15 Child Find form but did not have a 504 plan. OCR staff reviewed a total of 73 Section 504 files and 192 school nurse files during the site visit. Some of the files OCR requested were not available for viewing because a student was transitioning from one school to another school within the District or had graduated and the student’s records were no longer located at the school the student attended during the 2014-15 school year.

Additional Information

- The District’s Section 504 procedural safeguards include an incorrect address for OCR’s Kansas City Office and do not provide a mailing address for the District’s Section 504 coordinator. The procedural safeguards (as written) provide parents and eligible students 10 days to request a due process hearing to challenge an action the District refuses or proposes under Section 504 regarding the identification, evaluation, program, or placement of a student with a disability.
- Since the time OCR opened this compliance review in 2010, the District has worked to improve its process for identifying and evaluating students who may be eligible for Section 504 services and protections.

Resolution

Prior to the completion of OCR’s investigation into this complaint, the District signed an Agreement (copy enclosed) on March 8, 2018, that resolves this compliance review. The Agreement requires the District to: amend its Section 504 Manual and Section 504 process; update its Section 504 procedural safeguards; provide Section 504 training for District staff and administrators; notify District personnel and the parents and legal guardians of District students about the District’s obligation to conduct a Section 504 evaluation of any student who, because

of disability, needs or is believed to need special education or related services; and issue a memorandum to District staff about the District's obligation to provide nonacademic and extracurricular services and activities in such a manner as is necessary to afford students with disabilities an equal opportunity for participation as students without disabilities. In addition, the Agreement requires the District to identify students who, because of a health-related condition, need or are believed to need special education or related services but were not evaluated for Section 504 eligibility, determine if the identified students qualify as students with a disability under Section 504, and, as warranted, provide the students services or remedial measures. Please consult the Agreement for further details.

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

Recipients of federal funds are prohibited from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by federal civil rights law. Complaints alleging such retaliation may be filed with OCR. 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 that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released.

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.

OCR appreciates the cooperation shown by the District during this investigation. 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,

/s/ Kelli Douglas

Kelli Douglas
Supervisory Attorney

Enclosure