



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS -- REGION VII

October 1, 2015

Sent via email to XXXX XXXX

XXXX XXXX
XXXX XXXX
XXXX XXXX
XXXX XXXX

Re: Docket # 07151133

Dear XXXX:

On April 6, 2015, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against the Pleasant Hill R-III School District (District), Pleasant Hill, Missouri, alleging discrimination on the basis of disability. This letter is to confirm the District has voluntarily submitted a Resolution Agreement (Agreement) to resolve the above-referenced complaint.

The complainant alleged the District discriminated against her son because of his disability (diabetes) by:

1. Failing to provide her son a free appropriate public education (FAPE) by failing to provide appropriate diabetic care and failing to implement her son's Section 504 plan, including:
 - a. Failing to provide her son's insulin before his lunch on March 13, 2015, as required by item 1(A) of her son's Section 504 plan.
 - b. Routinely under-dosing her son's insulin and failing to adhere to his prescribed 1/15 insulin-to-carbohydrate ratio, as required by item 1(A) of her son's Section 504 plan and the medical order.
 - c. Failing to inform the complainant in a timely manner that her son's supplies for his diabetic care were low, so that insulin could be provided in accordance with item 1(A) of her son's Section 504 plan.
 - d. Failing to notify the complainant when a substitute nurse was providing diabetic care to her son, as required by item 8 of her son's Section 504 plan.

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

- e. Failing to properly train the school nurse and school staff, including substitute staff, who instruct, supervise, or provide services and accommodations to her son.
2. Causing her son to miss academic time by scheduling his blood sugar checks and speech therapy during core academic instruction (math and reading), rather than during breaks or outside of core academic instruction time, and requiring her son to eat his snack in the nurse’s office for part of the academic year, rather than in his classroom.
3. Requiring the complainant to choose whether or not to send her son to school, if the school nurse or a trained school staff member was not able to attend a field trip, as required by item 6 on her son’s Section 504 plan.

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 at 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 at 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by public entities.

As a recipient of FFA 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>.

On May 27, 2015, OCR sent notification letters to the parties, including a data request to the District. On August 5, 2015, the District provided OCR with a response to OCR’s data requests. OCR subsequently conducted interviews with some of the District’s staff on August 14, 2015. On September 1, 2015, the District expressed to OCR an interest in engaging in resolution negotiations pursuant to section 302 of OCR’s *Case Processing Manual*.¹

Prior to the completion of OCR’s investigation, the District submitted a signed Agreement (copy enclosed) on September 30, 2015, that, when fully implemented, will address the above-referenced complaint. 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.

¹ OCR’s *Case Processing Manual* may be accessed at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>.

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 XXXX XXXX, Investigator at (816) XXX XXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at XXX.XXXX@ed.gov.

Sincerely,

Joshua Douglass
Chief Attorney

Enclosure