



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

ONE PETTICOAT LANE
1010 WALNUT STREET, SUITE 320
KANSAS CITY, MO 64106

REGION VII
KANSAS
MISSOURI
NEBRASKA
OKLAHOMA
SOUTH DAKOTA

May 22, 2017

Sent VIA Email to: jfinley@bssd.net

Dr. Jim Finley, Superintendent
Blue Springs R-IV School District
1801 NW Vesper
Blue Springs, Missouri 64015

Re: Docket # 07161258

Dear Dr. Finley:

On August 10, 2016, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint alleging discrimination on the basis of disability by the Blue Springs R-IV School District (District), Blue Springs, Missouri. This letter is to confirm that the District has voluntarily entered into an agreement to resolve this complaint.

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 and a public entity, the School is subject to these laws. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

OCR investigated whether the District discriminated against the Student on the basis of disability in violation of 34 C.F.R. §104.33 when the District failed to implement the Student's Section 504 plan by allowing students to walk around the room with peanut products during a XXXXX XXXXX XXXXX XXXXX. OCR determined that the complaint met the criteria for our rapid resolution process for complaints of discrimination based on disability.

On March 27, 2017, OCR sent notification letters to the Complainant and the District, including a data request to the District. On April 6, 2017, the District provided OCR with responses to OCR's data requests.

OCR reviewed the District's Section 504 procedures, as well as documentation of District training on Section 504. OCR also reviewed the Student's Section 504 records and copies of communications between the Complainant and the District.

The Complainant told OCR that a food product containing peanuts was allowed into a classroom party, and that students were allowed to walk around the classroom with the peanut product. The District disputed this allegation.

On May 22, 2017, prior to the completion of OCR's investigation, the District submitted a signed Agreement (copy attached) that, when fully implemented, will address the allegations of the complaint. The Agreement requires the District to convene a Section 504 meeting to determine whether the Student's Section 504 plan should be revised. The Agreement also requires the training on food allergies and the implementation of the Student's Section 504 plan to the elementary school's staff members who are primarily responsible for the Student. The District will also request permission from the Student's parents to send out a letter notifying the parents of all other students in the Student's classes of her allergies to peanut products and the dangers posed to her when peanut products are brought to class. Please see the attached Agreement for additional details of the terms of the Agreement.

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 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.

Please be advised that the District may not harass, coerce, intimidate, or discriminate against you because you filed a complaint or participated in the complaint resolution process. If this happens, you 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.

OCR is committed to prompt and effective service. If you have any questions, please contact Mordecai Simha, Attorney, at (816) 268-0546 (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at mordecai.simha@ed.gov.

Sincerely,

J. Earlene Gordon

J. Earlene Gordon
Supervisory Attorney

Attachment

cc: Dr. Margaret Vandeven
Commissioner of Education (via email)