



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

September 26, 2017

Sent via email to XXXXX@XXXXX.org

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Re: Kansas City #33 School District
OCR Case Number: 07171194

Dear Ms. XXXXX:

On May 16, 2017, the U.S. Department of Education, Office for Civil Rights (OCR) received a complaint against the Kansas City #33 School District (District), Kansas City, Missouri, alleging discrimination on the basis of disability. Specifically, the complainant alleged the District discriminated against her daughter (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 using a particular XXXXX XXXXX in the Student's classroom, and by not calling an XXXXX as soon as the nurse administered the Student's XXXXX.

This letter is to confirm the District has voluntarily submitted a Resolution Agreement (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 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>.

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

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 using a particular XXXXX XXXXX in the Student's classroom, and by not calling an XXXXX as soon as the nurse administered the Student's XXXXX.

OCR investigated this complaint pursuant to our Rapid Resolution Process (RRP). RRP is an expedited case processing approach that may be utilized in substantive areas as determined by OCR to efficiently and expeditiously resolve complaints. Outcomes in RRP cases must be legally sufficient and resolution agreements must be aligned with the complaint allegations and issues.

Prior to the conclusion of the investigation, on July 27, 2017, 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*. Accordingly, the District submitted a signed Agreement (copy enclosed) on September 26, 2017 which, when fully implemented, will address the complaint allegations.

The Agreement requires the District to convene a Section 504 meeting during which the Student's Section 504 team (Team) will meet to consider whether the Student's Section 504 plan should be revised. The Team will also consider and document its consideration of whether the Student's Section 504 plan should include the following provisions:

- a) Procedures governing cleaning product allergy risk management in the Student's classroom. Specifically, the Team should consider banning the use of XXXXX products that the Student is XXXXX to in the Student's classroom.
- b) Emergency response procedures for addressing the proper handling and administration of XXXXX in the event of an XXXXX or other serious XXXXX-related reaction, identifying the staff responsible for emergency responses and identifying when 911 should be called.

The Agreement also requires the District to provide all East High School staff members who are primarily responsible for the Student with training on XXXXX product XXXXX, XXXXX administration and the implementation of the Student's Section 504 plan.

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.

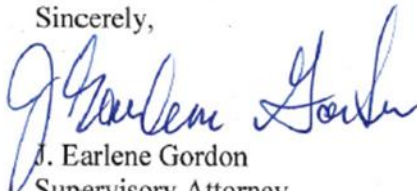
This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The Complainant 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 any person because he or she filed a complaint or participated in the complaint resolution process. If this happens, that person 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 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,



J. Earlene Gordon
Supervisory Attorney

Enclosure