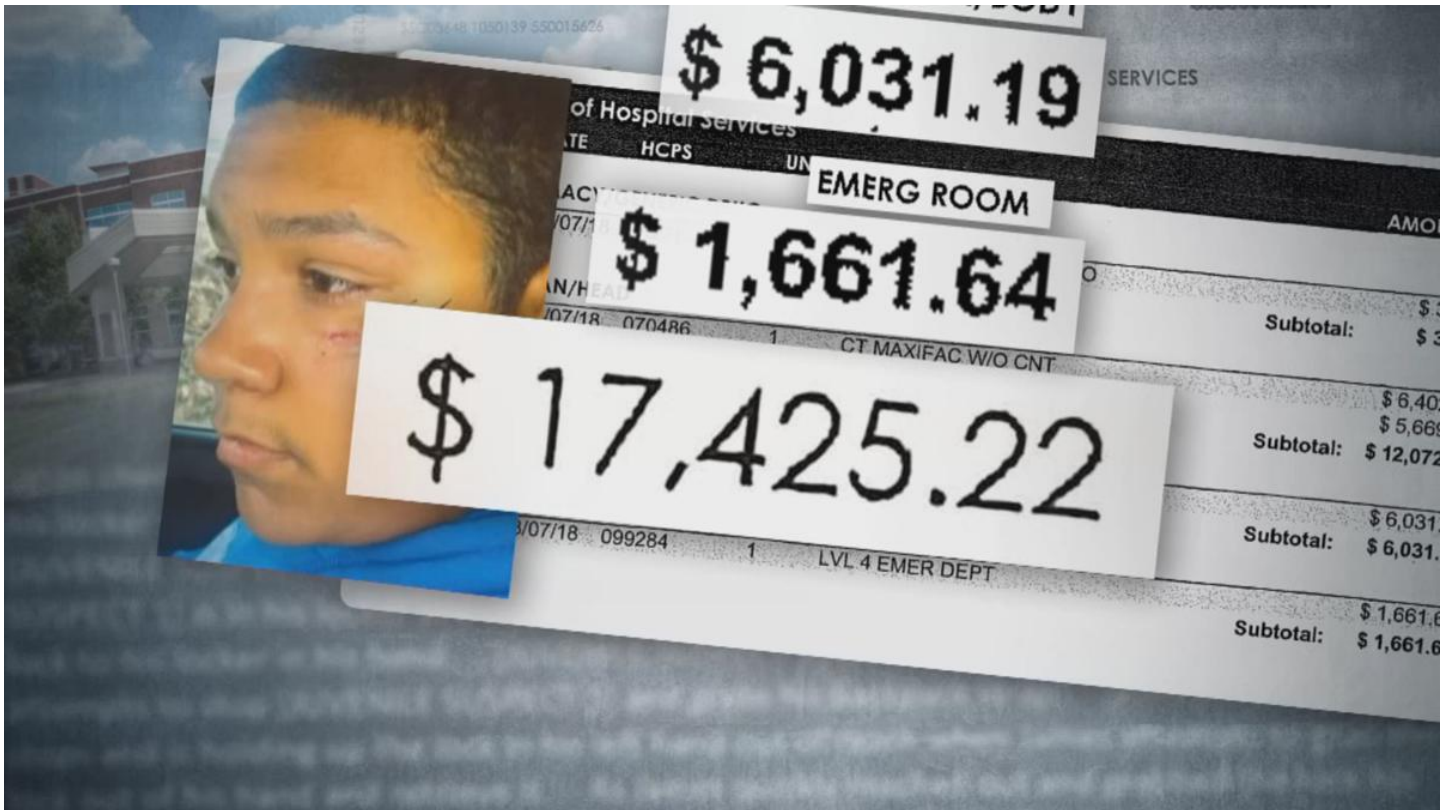


https://www.kctv5.com/news/independence-school-district-takes-back-promise-to-pay-student-s/article_67973038-f725-11e8-baec-c32460fec6d9.html

Independence School District takes back promise to pay student's ER bill after assault, dad says

Emily Sinovic

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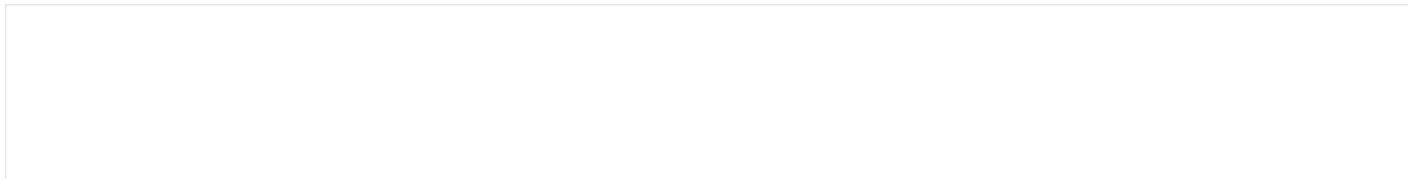


A father in the Independence School District is stuck with at more than \$17,000 emergency room bill after his child was assaulted by a bully at school. (KCTV5 News)

INDEPENDENCE, MO (KCTV) -- A father in the Independence School District is stuck with at more than \$17,000 emergency room bill after his child was assaulted by a bully at school.

Now, he says the school district is taking back a promise to pay that bill.

This is an update to a KCTV5 investigation into who is stuck with the medical bill when your child is badly hurt by a bully at school.





Who pays the bill when your child is attacked at school?

Karl Blair was shocked to see what happened with his son.

Blair came to KCTV5 News looking for help after he says his 13-year-old son, James, was beaten by another student at Bingham Middle School in Independence.

Blair even says he was called by the school nurse advising him to take James to see a doctor, yet when he arrived, he found his son standing alone outside.

"To think that the staff left him outside, alone," Blair said, remembering the scene. "No one was there when I got there. No one. That hurt; that really hurt."

Blair took James to his primary doctor, who told them to go to the emergency room.

Doctors ran multiple tests. They ruled out the most serious health risks, but still cautioned them to follow concussion protocol; resting often, limiting physical activity and keeping mental exercises light.

With James on the mend, the ER visit left them with another major problem; about \$17,000 in medical bills. When Blair went to the school for help, he was told he wouldn't get any.

"I called on a weekly basis, every week. Every week. Their attitude was just go away, hush, if we ignore you, we don't respond to you, you'll shut up and go away," Blair said.

Blair said the Independence School District told him that school district insurance wouldn't cover the bills. He says the district did nothing to help with the bill or help hold the parents of the bully accountable.

"They go on about their life," Blair said. "I'm getting calls from collectors; my credit is being affected. And it's just a very hard way to continue to exist to live."

KCTV5 went to the school district for answers about its policy concerning students assaulted at school, by other students and who foots the bill when medical treatment is necessary.

A representative for Independence School District said she would look into it.

After KCTV5 got involved, Blair said the district called to tell him the school district would cover the ER bill.

Blair told KCTV5 he was thrilled to hear that news. He was then shocked after what happened next.

That KCTV5 story aired October 31, 2018. After that report aired, Blair says the school district contacted him, notifying him the district's "accident insurance" would cover only \$800 of that \$17,425.22 ER bill.

Blair now has legal representation. His attorney, Chris Dove, sent a letter to the school district's attorney, giving the district two options: settle with Blair for \$175,000 or go to court.

"This is not something his son did to himself. He didn't just trip and fall down outside somewhere. This happened on school grounds," Dove told KCTV5.

Dove argues, this incident shouldn't have come as a surprise to the school district who knew about previous bullying incidents involving James.

"The district had actual notice that James was bullied in the months immediately preceding the assault ... the district was also aware of the perpetrator's prior history of violent behavior."

Blair says the school district was not responsive when he reported incidents of James being bullied.

"He came home with bruises on his arm once. He came home with a knot on his head once. These have all been reported. But nothing changed. That's what I'm looking for. I want change," Blair said.

In the letter Dove sent to the Independence School District's attorney, he writes the following:

“ Karl Blair (“Mr. Blair”) has retained us to represent him and his son, James, due to the bullying and assault that James has endured at George Caleb Bingham Middle School (“Bingham Middle School”) in the Independence Public School District (“the District”).

On March 7, 2018, an eighth-grade student violently attacked James in a hallway at Bingham Middle School. The perpetrator punched James in the face a total of five times. This head trauma, in turn, caused James to experience concussion-like symptoms (i.e. a pounding headache and faint ringing in his ears). James also suffered a bloody nose, a gash beneath his left eye, and reported experiencing “the worst pain he had ever felt in his life.” A nurse for the District, Diana Abraham, examined James and eventually sent him home with a “head injury letter” addressed to Mr. Blair.

Mr. Blair took his son to Centerpoint Medical Center for treatment and further evaluation. As a direct result of this emergency room visit, Mr. Blair has incurred out-of-pocket medical expenses of \$19,800.

Mr. Blair made numerous attempts to get information from the District and to determine how this could have happened to his son. As the District is aware, his son had previously been the victim of bullying and being attacked physically while at school. Further, it is our understanding that the student who attacked James had a prior history of aggressive conduct. Mr. Blair has the right to know why his son was not being protected at school.

The District delayed or did not respond to the substance of Mr. Blair’s concerns. In addition, the District would not accept responsibility for the attack on James and his physical safety, as well as for leaving the financial burden on Mr. Blair to pay the medical expenses.

Finally, KCTV-5 investigated the incident and reached out to the District for comment. At that point, the District, through its insurer, contacted Mr. Blair and promised to fully cover the cost of James’ emergency room visit. But, after the report aired, the District’s insurer reneged on the commitment and failed to honor this promise.

The District has now left Mr. Blair with no choice other than to seek the assistance of legal counsel.

Nevertheless, Mr. Blair still seeks to resolve this matter with the District without the need for a lawsuit. Therefore, Mr. Blair offers to settle this matter for \$175,000.00.

The District had actual notice that James was bullied in the months immediately preceding the assault. See Exhibit (a copy of a letter from the District acknowledging James was bullied). Upon information and belief, the District also was aware of the perpetrator’s prior history of violent behavior. Consequently, the District certainly would have a difficult time explaining its inaction to a Jackson County jury.

This settlement offer will remain open for 14 days until December 13, 2018.

If the District chooses to reject this offer, then Mr. Blair will seek justice through legal action for his son and to help defray the cost of the family’s outstanding medical bills. ”

The Independence School District decline KCTV5’s request for an interview and declined to issue a written statement.

ISD issued the following comment during KCTV5’s initial investigative report, October 31, 2018:

“ The Independence School District reached out to the parent, asking him to sign a release to allow us to share factual, detailed information about this situation. The parent refused to grant the District permission and was verbally aggressive and disrespectful when the request was made.

While the District cannot specifically address the false accusations about the District’s response because of student privacy protection, we want to be clear that the District takes all reports involving the safety and security of our students very seriously.

Missouri schools are not required to buy insurance or pay for medical expenses due to school related injuries. The District purchases a basic accident insurance policy to help parents who may not have insurance or need to supplement their family insurance. The policy covers students at school and school sports and activities.

If a student is injured at school and the school nurse refers the student for outside medical treatment, the nurse submits the information to the student accident insurance agency claims office.

If a school nurse does not refer a student for additional medical treatment and a parent seeks treatment on their own, the parent needs to make the school nurse aware, so they know to file the claim. ”

Insurance coverage policies vary between school districts.

ISD issued the following statement on Monday:

“ The district does not comment on potential legal matters but we look forward to sharing the full truth if this matter is taken to court. ”

If you're struggling with a similar experience, click these links to learn more about privacy laws affecting students in [Kansas](#) or [Missouri](#).

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