

KANSAS STATE DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND TITLE SERVICES
REPORT OF COMPLAINT
FILED AGAINST
UNIFIED SCHOOL DISTRICT #294, OBERLIN UNIFIED SCHOOL DISTRICT
ON JANUARY 2, 2025
DATE OF REPORT: JANUARY 27, 2025

This report is in response to a complaint filed with the Kansas State Department of Education against USD #294, Oberlin Unified School District on behalf of ----- by his grandmother, ----- . In the remainder of the report, ----- will be referred to as "the student." ----- is the student's grandmother and will be referred to as "the complainant," or "the grandmother." ----- -- is the student's mother and will be referred to as "the parent" or "the mother."

The complaint is against USD #294, Oberlin Public Schools and in the remainder of the report will be referred to as "the district." The Northwest Kansas Educational Service Center (NKESC) provides special education services for USD #294 under an interlocal agreement and in the remainder of the report will be referred to as the "cooperative" . It is noted that USD #294 is ultimately the agency responsible.

The Kansas State Department of Education (KSDE) allows for a 30-day timeline to investigate a complaint from the date on which it was filed. A complaint is considered filed on the date on which it was received by KSDE. In this case, the KSDE initially received the complaint on January 2, 2025 and the 30-day timeline ended on February 2, 2025.

Evidence Reviewed

During the investigation, the Investigators Drs. Donna Wickham and Holly Morsbach Sweeney reviewed all evidence provided by the District and the Complainant. The evidence listed below was used in consideration of the investigation.

- Formal Complaint to KSDE dated January 2, 2025 made by the Student's Maternal Grandmother
- Phone call with the Complainant dated January 6, 2025
- Phone call with the Student's Mother dated January 6, 2025
- Phone call with the Director of Special Education of the Cooperative dated January 6, 2025
- Notice of Special Education Meeting dated January 10, 2025, Mother signed on January 14, 2025
- Prior Written Notice for Identification, Special Education and Related Services Educational Placement, Change in Services, Change in Placement, and/or Request for Consent dated January 15, 2025 , signed by Mother on January 16, 2025
- Draft IEP dated January 15, 2025

- District Response, dated January 16, 2025
- Email from Director of Special Education of the Cooperative to Investigators dated January 16, 2025 at 4:54 p.m.
- Phone call with the Complainant dated January 20, 2025
- Phone call with the Student's Mother dated January 20, 2025

Background Information

The student is an eleven year old sixth grader who is eligible for special education and related services under the category of Emotional Disturbance. The student returned to the district this school year for a shortened school day in a self-contained setting after being placed out of district the previous school year for behavior concerns. Parent concerns identified in the January 15, 2025 IEP focus on increasing the student's tolerance for attending a full school day and catching up to grade level academically. This IEP includes five goals addressing reading, mathematics, writing, and behavior. It additionally includes a behavior intervention plan, general education supports, accommodations, modifications and supports for school personnel. The January 15, 2025 IEP includes 105 minutes of resource room special education service five days every week, 100 minutes of special education service in the general education setting five days every week and 20 minutes of emotional behavior disorder consultant services two times every week.

Issues Investigated

1. According to 34 C.F.R. §300.322 did the district appropriately consider parental input in the development of the student's IEP specific to educational placement and services during the 2024-2025 school year?
2. According to 34 C.F.R. §300.323(c)(2), did the district follow the student's IEP specific to increasing the student's service minutes by 20 minutes after 10 days of "good" behavior from initially 20 minutes of education service daily at the beginning of the school year during the 2024-2025 school year?
3. According to 34 C.F.R. §300.114-118 did the district provide the student's education in the least restrictive environment when providing a shortened school day in a self-contained special education classroom with 2 to 3 other students receiving special education during the 2024-2025 school year? [as specified in regulation]
4. According to 34 C.F.R. §300.324 did the district include academic goals in the student's IEP during the 2024-2025 school year to address any gaps that may have occurred as a result of a shortened school day.

Analysis: Findings of Fact

In the District's Response dated January 16, 2025 it states, "The District requested a possible Resolution IEP meeting with his parents to remedy concerns about [Student's] program, placement, and plan to increase [Student's] school day participation On January 15, 2025 (sic) the meeting was held. Both parents, the grandmother (who filed the initial complaint), a mental

health case manager, and school team met and developed a new IEP. Copies of the IEP, new schedule, Behavior Intervention Plan, meeting notes, and consent have been included in the shared drive of requested documents. At the conclusion of the meeting the mother (the Grandmother and father had left the meeting prior to the conclusion) was asked if the new IEP and Plan was acceptable as a resolution to the complaint. The mother indicated it was." The call between Dr. Wickham and the mother dated January 20, 2025 confirmed this statement. The call on January 20, 2025 between the complainant and Dr. Wickham reported that the complainant wished to continue the investigation to ensure that the decisions made during the meeting were implemented.

Conclusion

It is found that the mother and grandmother verified that the concerns identified in the Formal Complaint dated January 2, 2025 were resolved by the January 15, 2025 IEP meeting. It is noted that the grandmother expressed concern on January 20, 2025 that the district would follow through with the decisions recorded in the January 15, 2025 IEP and Prior Written Notice dated January 15, 2025 and signed by the mother on January 16, 2025.

Summary of Conclusions/Corrective Action

ISSUE ONE: A violation of 34 C.F.R. §300.322 was not found, based on the IEP Team documentation, emails from the district and phone conversations with the complainant and mother that resolved this issue. Corrective action is not required.

ISSUE TWO: A violation of 34 C.F.R. §300.323(c)(2) was not found, based on documentation from the IEP meeting held on January 15, 2025 that discussed and resolved this issue. Corrective action is not required.

ISSUE THREE: A violation of 34 C.F.R. §300.114-118 was not found, based on documentation and record of the decisions made during the January 15, 2025 IEP meeting that resolved this issue. Corrective action is not required.

ISSUE FOUR: A violation of 34 C.F.R. §300.324 was not found, based on the records of the discussion and documentation from the IEP dated January 15, 2025 that resolved this issue. Corrective action is not required.

Right to Appeal

Either party may appeal the findings or conclusions in this report by filing a written notice of appeal with the State Commissioner of Education, ATTN: Special Education and Title Services, Landon State Office Building, 900 SW Jackson Street, Suite 620, Topeka, KS 66612-1212. The notice of appeal may also be filed by email to formalcomplaints@ksde.org. The notice of appeal must be delivered within 10 calendar days from the date of this report.

For further description of the appeals process, see Kansas Administrative Regulations 91-40-51(f).

K.A.R. 91-40-51(f) Appeals.

(1) Any agency or complainant may appeal any of the findings or conclusions of a compliance report prepared by the special education section of the department by filing a written notice of appeal with the state commissioner of education. Each notice shall be filed within 10 days from the date of the report. Each notice shall provide a detailed statement of the basis for alleging that the report is incorrect.

Upon receiving an appeal, an appeal committee of at least three department of education members shall be appointed by the commissioner to review the report and to consider the information provided by the local education agency, the complainant, or others. The appeal process, including any hearing conducted by the appeal committee, shall be completed within 15 days from the date of receipt of the notice of appeal, and a decision shall be rendered within five days after the appeal process is completed unless the appeal committee determines that exceptional circumstances exist with respect to the particular complaint. In this event, the decision shall be rendered as soon as possible by the appeal committee.

(2) If an appeal committee affirms a compliance report that requires corrective action by an agency, that agency shall initiate the required corrective action immediately. If, after five days, no required corrective action has been initiated, the agency shall be notified of the action that will be taken to assure compliance as determined by the department. This action may include any of the following:

- (A) The issuance of an accreditation deficiency advisement;
- (B) the withholding of state or federal funds otherwise available to the agency;
- (C) the award of monetary reimbursement to the complainant; or
- (D) any combination of the actions specified in paragraph (f)(2)