

KANSAS STATE DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND TITLE SERVICES

REPORT OF COMPLAINT
FILED AGAINST
UNIFIED SCHOOL DISTRICT #307
ON FEBRUARY 13, 2025

DATE OF REPORT: MARCH 14, 2025

This report is in response to a complaint filed with our office on behalf of a student, ----- by their parent, ----- . In the remainder of the report, the student will be referred to as “the Student” and the parent as “the Parent.”

The Complaint is against USD #307, Ell-Saline Public Schools. In the remainder of the report, the “School,” the “District,” and the “local education agency (LEA)” shall refer to USD #307.

The Kansas State Department of Education (KSDE) allows for a 30-day timeline to investigate a child complaint. A complaint is considered to be filed on the date it is delivered to both the KSDE and the school district. In this case, the KSDE initially received the complaint on February 13, 2025, and the 30-day timeline ended on March 15, 2025.

Allegations

The following issue will be investigated:

Issue One

Whether USD #307, in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), failed to implement the Student’s IEP during the 2024-25 school year due to bullying and an unsafe school environment. K.A.R. 91-40-16(b)(3); 34 CFR §300.323(a).

Investigation of Complaint

Tania Tong, the Complaint Investigator, interviewed the Parent by video conference on March 6, 2025. The following District staff were interviewed on March 11, 2025: the Principal, the Special Education Teacher, and the Special Education Coordinator.

In completing this investigation, the Complaint Investigator reviewed documentation provided by the Parent and the District. Although additional documentation was provided and reviewed the following materials were used as the basis of the findings and conclusions of the investigation:

From the District:

1. District Response, 02/26/25
2. Incident Report Log, 01/29/25

3. Incident Report Log, 01/31/25
4. Incident Report, 01/30/25
5. Email, re: [the Student], 01/28-02/25/25
6. Email, re: [the Student], 01/31-02/25/25
7. Email, re: [the Student], 02/06-02/25/25
8. Prior Written Notice (PWN), 02/13/25
9. Conference Summary, 08/16/24
10. Email, re: [the Student], 02/24-02/25/25
11. Incident Report, 12/19, no year
12. Internal Investigation notes, no date
13. Safety Plan, 03/01/24
14. Quick Lookup, 2024-25 school year
15. Progress Report, 07/08/24
16. Neuropsychological Evaluation, 02/15/24
17. IEP Amendments, 02/22/24
18. PWN, 02/22/24
19. Notice of Special Education Meeting, 02/22/24
20. PWN, 03/26/24
21. Conference Summary, 03/04/24
22. IEP Amendment, 03/26/24
23. PWN, 03/26/24
24. Notice of Special Education Meeting, 03/22/24
25. Notice of Special Education Meeting, 05/06/24
26. Notice of Meeting Acknowledgement, 05/15/24
27. Evaluation/Eligibility Team Report, 05/15/24
28. Conference Summary, 05/15/24
29. PWN, 05/21/24
30. Notice of Special Education Meeting, 08/08/24
31. Notice of Meeting Acknowledgement, 08/16/24
32. IEP Amendment, 10/04/24
33. PWN, 10/04/24
34. IEP Draft, 12/05/24
35. Notice of Special Education Meeting, 11/01/24
36. Daily Instruction Calendar, 02/2024-02/2025
37. Counseling Office Documentation, 01/29/25

From the Parent:

1. Email, re: [the Student], 02/25/25, including attendance log 01/30-02/25/25 and grades
2. Email, re: [the Student], 02/24/25, including text message screenshots, various dates
3. Email, re: no subject, 02/25/25, including progress report photos and voicemail transcript, various dates
4. Email, re: [the Student], 02/24/25, including message screenshots and injury photos, various dates
5. Email, re: [the Student], 02/24/25, including photos of IEP, 12/13/24, photos of injuries, photo of doctor's note, and message screenshots, various dates

Background Information

This investigation involved an 8th grade student enrolled at a school in the District. The Student has been diagnosed with Oppositional Defiant Disorder and Generalized Anxiety Disorder. The Student is currently receiving special education or related services as a child with a disability per the Individuals with Disabilities Education Act (IDEA).

Findings of the Investigation

The following findings are based on a review of documentation and interviews with the Parent and staff in the District.

1. A Neuropsychological Evaluation of the Student, dated February 15, 2024, indicated:
 - a. The Student had difficulties regulating their emotions.
 - b. "[The Student] has been a victim of bullying for several years at school. Most recently, some of [their] peers will make encouraging statements to harm or kill [themselves]. [The Student's] parents do not feel that [their] IEP is being carried out and feel that this resulted in failing grades for the semester."
 - c. The Student could be oppositional when upset.
 - d. The Student's score was in the clinically significant range on the Externalizing Behaviors composite scale.
 - i. "A clinically significant Hyperactivity score suggests a very high number of disruptive, impulsive, and uncontrolled behaviors A clinically significant Aggression score indicates a severe level of aggressive behaviors and [the Student] may be reported as being argumentative, defiant, and/or threatening to others... ."
 - e. A diagnostic impression of:
 - i. "Intellectual Development Disorder (mild)";
 - ii. "Generalized Anxiety Disorder";
 - iii. "Social Anxiety Disorder";
 - iv. "Major Depressive Disorder"; and
 - v. "Oppositional Defiant Disorder."
 - f. "[The Student's] experiences with bullying and negative social interactions have likely contributed to social anxiety as well." (D113-D126)

2. The Student reported to the District that on February 19, 2024, after school, they were walking with Student H and the other students followed. Then Student H stepped back into the group of students that were walking further back.
 - a. When they arrived in the teachers' parking lot, the Student said Student A grabbed them around the neck, put them in a choke hold and threw them to the ground. The Student said they told Student A to stop and asked why they were doing that. The Student said they tried to get up when Student A threw them down again and told them to stop talking about their cousins. Student H returned to help the Student.
 - b. The Student reported they did not text Student J that Student A was going to beat them up, and did not tell Student A that Student J was going to beat them up.
 - c. The Student requested that seven students, including the student who physically attacked them, be kept away from them.
 - d. The District indicated that after several IEP meetings and attorney discussions, the Parent's concerns with the incident were resolved through the creation of a general education safety plan.
 - e. During their interview, the Parent indicated one of the students involved in this incident was the same student who later sent the text message to the Student on January 28, 2025. (D2-D3, D42, D43-D44, Video Footage, February 20, 2024, Parent Interview, P4-5, 18:52, Special Education Teacher Interview)
3. The Parent explained that after the incident, the Student was out of school from mid-February through April 2024. They stated the Student would get their assignments on Google classroom or send the assignments home. The Parent would also pick up the Student's assignments once a week, and then send photos to the teachers after they were completed. (Parent Interview, P5-6, 21:53)
4. The Student's IEP was amended on February 22, 2024 to add that the Student would start and end their day with an Emotional/Functional check-in/check-out with an adult to identify their mood and gauge emotional temperature. The Parent signed the amendment.
 - a. A PWN dated February 22, 2024 summarized the amendment, which had been requested by the Parent and their attorney. The Parent signed the PWN. (D127, D129-D132)
5. A general education safety plan for the Student was drafted on March 1, 2024 and signed by the Parent on April 9, 2024. It contained ten items, including one which indicated the Student had had conflict with several students, and the Student should not be grouped with them, sit with them, go places with them or be seen with them.
 - a. The Parent said, "They did a safety plan, but ... the safety plan was making [the Student] feel that [the Student] was the criminal and ... was the one being punished. The safety plan was [the Student] would sit at the front of the bus ... [they] would have to leave the class early or [they] would have to leave the class later to avoid any hallway contact with any of the [students]."
 - b. During an interview with the Complaint Investigator, the Principal explained the safety plan was created in 2024 after a physical altercation between the Student

and another student. No special needs or concerns were identified during the creation of the safety plan.

- c. A Conference Summary IEP Team Considerations dated March 4, 2024 reported there was a meeting to review a plan to keep the Student safe based on an incident which happened in February 2024. Staff was instructed to not release the Student until all students were in their classrooms after the bell rang, and then the Student could switch rooms. (D45, D144-D145, Parent Interview, P5-6, 21:53, Principal Interview, P2-3, 02:13)
6. A PWN for Evaluation or Reevaluation, signed by the Parent and dated March 26, 2024 indicated a proposal to conduct a re-evaluation of the Student. (D138-D143)
7. An IEP amendment dated March 26, 2024 described a change to the IEP that when the Student showed signs of dysregulation, to encourage them to communicate the need for a functional break. The Parent signed the amendment. (D146, D147-D150)
8. A Notice of Special Education Meeting, dated May 6, 2024, proposed a meeting date for May 15, 2024 to review the evaluation feedback meeting results. The Parent signed the notice. (D158-D162)
9. A Re-Evaluation Report dated May 15, 2024 indicated:
 - a. The Student reported that the bullying made it difficult for them to be successful at school.
 - b. The Student's current special education services.
 - c. Assessment findings.
 - d. The diagnostic impressions from the Neuropsychological Evaluation.
 - e. The purpose of the re-evaluation was to determine if the Student met the criteria for an Intellectual Disability.
 - f. The Student continued to meet the criteria as a student with a Learning Disability, specifically in mathematics.
 - g. The Student had missed a significant amount of school due to incidents with peers on school grounds. (D162-D177)
10. A Conference Summary IEP Team Considerations dated May 15, 2024 included a summary of the re-evaluation meeting. The summary indicated the Parent wanted the attorney to review the documents before they agreed to the exceptionality, and the Parent asked if the safety plan would be in place for the next school year. (D178-D180)
11. The Student's Progress Report for their Measurable Annual Goals for the 2023-24 school year indicated:
 - a. As of May 16, 2024, the Student had not made adequate progress toward achieving their annual goal in reading.
 - b. As of May 16, 2024, the Student had made adequate progress toward achieving their annual goal in math and in social/emotional behaviors. (D70-D74)
12. A PWN dated May 21, 2024 indicated the Student was eligible for special education and met the criteria for a Specific Learning Disability and Emotional Disturbance. (D181-D187)

13. A Notice of Special Education Meeting dated August 8, 2024 proposed a meeting for August 16, 2024, and was signed by the Parent.
 - a. A Conference Summary IEP Team Considerations dated August 16, 2024 indicated the Parent requested the District dismiss the Student's general education safety plan. (D188-D191, D28-D29)
14. When asked about the Student's safety plan, the Special Education Teacher said, "When we had a meeting prior to school, ... [the Parent] did not want the safety plan implemented." (Special Education Teacher Interview, P4, 06:26) The Special Education Teacher stated it was a general education safety plan and unrelated to special education. (Special Education Teacher Interview, P5, 07:05) They added that when the Parent stated they did not want to implement the safety plan, the District complied. (Special Education Teacher Interview, P5, 07:05)
15. The Special Education Teacher stated the Parent did not like the safety plan because they thought it isolated the Student. The Special Education Teacher indicated they had observed the Student not following the safety plan, and that the School tried to get the Student to follow the plan. (Special Education Teacher Interview, P6, 09:12, Principal Interview, P3,05:24)
16. An IEP amendment on October 4, 2024 indicated a new service and new accommodation for the Student. These were also summarized in a PWN from October 4, 2024.
 - a. The new service was that the Student would receive special education services in the special education classroom for the core contents, for 20 minutes once a week for the duration of the IEP. The accommodation was that the Student would start their day with an emotional/functional check-in with an adult. (D192-D198)
17. An IEP draft dated December 5, 2024 was signed by the Parent and IEP team. It included reports from the Shop, Science, English and Social Studies teachers that the Student interacted little with others, would sometimes "push the buttons" of other students, struggled to work in groups, and that their work ethic had declined from the start of the year.
 - a. Special Education Services for the Student included:
 - i. Starting on December 5, 2024, the Student would receive special education services in the special education classroom for math direct instruction for 40 minutes five days a week, and for science independent work for 15 minutes one day a week, for the duration of the IEP; and
 - ii. Starting on January 7, 2025, the Student would receive special education services in the special education classroom for social studies direct instruction for 40 minutes five days a week, and for English direct instruction for 40 minutes five days a week, for the duration of the IEP.
 - b. Accommodations and Modifications stated that beginning December 5, 2024:
 - i. When the Student started to show signs of dysregulation, the Student would be encouraged to communicate the need for a functional break;

- ii. When working on an assignment, the Student would be required to do the problems, but not so many they would get overwhelmed;
 - iii. When the Student escalated to a level 3 or higher, they would be prompted to use sensory tools;
 - iv. When given multi-step directions, the Student would be provided the tasks into smaller steps;
 - v. When given an assessment, the Student would be provided with a separate, quiet area;
 - vi. When solving math problems that were not testing math fact knowledge, the Student would be provided with a multiplication chart, a 100's chart, and a calculator;
 - vii. The Student would have access to a text-to-speech tool and read aloud option on Chromebook; and
 - viii. When in the general education or special education classroom, the Student would be given preferential seating in each class.
- c. A PWN dated December 5, 2024 summarized the IEP draft and was signed by the Parent. (D199-D216, D217-D222)
18. During an interview with the Complaint Investigator, the Special Education Teacher explained the Student had in-class services the first half of the 2024-25 school year, which were changed to pull-out services when the School noticed the Student required more assistance. The Special Education Teacher stated the Student had social studies, science (one day a week), English, and math in the Resource Room. They indicated that they provided math support, and direct instruction for math, reading, and social studies. (Special Education Teacher Interview, P2, 01:58) The Special Education Teacher did not recall any lapse in services during the 2024-25 school year, and stated that materials were provided either through Google Classroom or at home when the Parent requested. (Special Education Teacher Interview, P2, 02:50)
19. On January 28, 2025, the Parent emailed the Principal a screenshot of a text message sent to the Student earlier that night. The sender of the text wrote, "... You got me sent down to the office because you wanted to talk shit on me. Oh don't worry, baby girl this is gonna get turned around don't worry."
- a. The Parent explained that the student who sent the text was not supposed to be in the same class as the Student, per the Student's IEP and safety plan. The Parent stated they sent the message to the Social Emotional Counselor, the School Resource Officer and the Principal. According to the Parent, the sender of the text was told by the School Resource Officer during the previous school year they were not supposed to contact the Student. (D1, D12-D13, Parent Interview, P2-3, 07:06, Principal Interview, P2, 01:55)
20. According to the District Response, the District was only aware the Student had been involved in one physical altercation during the 2024-25 school year, which the District stated stemmed from unkind comments that the Student made to another student the day before the incident. The District indicated the physical altercation was investigated by the administration and the School Resource Officer.

- a. A log entry dated January 29, 2025 described an incident on January 28, 2025 in which the Student "... antagonized another student by making fun of [their] appearance and family situation."
 - b. According to a counseling session dated January 29, 2025, the Student had said via text that another student "thinks [they're] better than everyone," "throws around [their] money," and acts like a "me girl." The Student admitted to making the statements. The counselor concluded the Student instigated conflict by making negative comments about one student and falsely claiming another student had been talking about the first student. (D1, D5, D248-D249)
21. A log entry dated January 31, 2025 reported that on January 30, 2025, the Student "... was involved in a physical altercation with another student stemming from comments made earlier in the week."
- a. At approximately 8:05 a.m. on January 30, 2025, Student D entered the locker room with knowledge that the Student was in there. Student D found the Student sitting on the floor and sat on a bench nearby. Student D questioned the Student about comments the Student had made about another student. The Student did not respond and started to use their phone. Student D asked the Student if their phone was more important than their conversation, grabbed the phone, and tossed it across the room. When the Student went to retrieve it, Student D followed, grabbed the Student and threw them to the ground. Student D punched the Student as they lay on the floor. Students who were present left to get help. These events were corroborated by five students, including Student D and the Student.
 - b. The Parent said, "... I received a phone call from the [P]rincipal stating that [the Student] was a victim of a physical altercation." The Parent stated that as a result of the incident, the Student had wet their pants, scraped their knee, and had a busted lip and swollen face.
 - c. The Principal explained that after the incident, they changed the other student's schedule so they could keep them out of the same classroom as the Student as much as possible. The Principal also spoke with the PE teacher about making sure that the two students were not in the locker room at the same time. The Principal stated that at that time, they had not spoken to anyone about the Student's IEP. (D8, D11, Parent Interview, P2-3, 04:21, Principal Interview, P3-5, 07:45)
22. On January 31, 2025, the Parent emailed the Principal and explained the Student was seen by their doctor and the Student was on mild concussion protocol. The Parent said, "[The Doctor] wanted to know what the bullying/ physical contact repercussions/guidelines looked like?"
- a. The Principal replied to the Parent the same day and said the doctor could call them directly.
 - b. In an undated text message, the Doctor wrote the Student had a mild concussion.
 - c. An undated text message from the Doctor contained pictures of the Student's legs and knees, with abrasions on one knee.

- d. In the District response, the Principal received a doctor's note on February 5, 2025 indicating the Student would be out for five weeks, but also indicated they would return the following Monday. The School later learned "weeks" was supposed to be "days."
 - e. During the Student's absence, the Parent indicated they would look into enrolling the Student with another district, doing home school, or virtual school. After learning of this, the District sent a PWN informing the Parent of their willingness to continue to provide special education services for the Student, whether at the school building or through partial enrollment for home school. (D2, D14, D15-D16, P47, P185, P299-P301, Principal Interview, P5, 15:11)
23. According to the Parent, the School put the Student's assignments on Google Classroom after the incident on January 30, 2025. The Parent said, "... I'm dealing with a child who's on concussion protocol and ... they tell you to stay off of screen time [sic] limits your screen time, give your brain a rest." The Parent indicated the District was not providing specially designed instruction for the Student during their recovery, and only used Google Classroom. The Parent stated this lasted from January 30, 2025 through February 2, 2025, and then from February 4, 2025 through when the Parent unenrolled the Student from the School. (Parent Interview, P10-11, 36:17)
24. When asked about the Student learning from home in February 2025, the Special Education Teacher reported that the Student was absent due to a medical reason, and the Parent did not request that assignments be sent home. The Special Education Teacher stated they informed the Parent that materials from their classes would be posted on Google Classroom. They noted the Student did not complete any assignments when they were gone, which the Special Education Teacher assumed was due to a concussion. (Special Education Teacher Interview, P3, 03:40) The Special Education Teacher explained that the assignments they were unable to post on Google Classroom were left in the physical classroom to be taken home. (Special Education Teacher Interview, P3, 04:37) The Special Education Teacher stated the Student came to school on February 3, 2025, left, and did not return to the School after this date. (Special Education Teacher Interview, P4, 05:42)
25. The Principal did not recall the Parent asking for services or materials to be provided to them during the Student's absence after the physical altercation on January 30, 2025. (Principal Interview, P6, 15:32)
26. The Parent stated the Student was bullied in the special education classroom on February 3, 2025. The Parent explained another student said, "... [the Student's] family's poor white trash and that [their] family's coming for [the Student's] family. And that's when [the Student] got upset and asked the special education teacher to leave the room. And [the Student's] request was denied. So then [the Student] got up and [they] walked out of the room. But this is being allowed and visible in front of special education team." (Parent Interview, P4, 16:32)

27. The Special Education Teacher stated the Student was never denied a break and said, "[The Student] could take one whenever [they] wanted. [They] never asked for one [on February 3, 2025]." (Special Education Teacher Interview, P7-8, 11:11)
28. The Parent materials contained a list of the Student's absences from school in January and February 2025. In that period, the Student had:
 - a. Five absences.
 - b. Two excused absences.
 - c. Three medical-related absences. (P16-P33)
29. A PWN dated February 13, 2025 indicated:
 - a. "[The Student's] last date of attendance at [the School] was 2/3/2025. We understand you would like to enroll [them] at another school; however, if [the Student] does not attend school at another location and you choose to homeschool [them], we are able to provide special education services through [the School]. Potential homeschool services could be provided online in the afternoon 4 days a week and focus on IEP goals." (D17-D22)
30. A Progress Report for the Student, dated February 13, 2025, indicated the Student had made a "slight improvement" between December 5, 2024 and February 4, 2025 in the Student's goals for reading, math and social/emotional. (P90-P93)
31. In an email dated February 24, 2025 from the Parent to the Principal, the Parent stated the Student was not returning to the School. The District responded with a stand ready to service letter on February 27, 2025. (D288)
32. The District materials included calendars with handwritten notes from February 2024 through February 2025 which demonstrated when the Student received daily instruction and in which subjects, in addition to school breaks, snow days, and Student absences. The calendars showed the Student received consistent instruction on the days the Student was in school. (D233-D247)
33. The Student's 2024-25 Attendance Sheet indicated they had two "A's", one "B", and one "C" at the end of semester one. By the end of semester two, the Student had one "B", two "C's", one "D", and one "F". (D50, Parent Interview, P8, 29:38)

Positions of the Parties, Applicable Regulations, and Conclusions

ISSUE ONE: Whether USD #307, in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), failed to implement the Student's IEP during the 2024-25 school year due to bullying and an unsafe school environment. K.A.R. 91-40-16(b)(3); 34 CFR §300.323(a).

According to K.A.R. 91-40-16(b)(3) and 34 CFR §300.323(a), an IEP must be in effect for each exceptional child at the beginning of each school year.

The Parent alleged that the Student is not receiving the special education services they should receive. They claimed that the Student does not feel safe at school, that administration is not available when crises arise, and bullying is impeding the Student's education. Additionally, the Parent alleged the Student has been physically attacked twice, and the school administration has minimally responded.

Respondent/District Position: The District stated that documentation showed the Student received services while attending the School. The District indicated that the two incidents in which the Student had been physically hurt were the result of statements initially made by the Student. The District perceived the incidents were the result of the Student's unkind comments or the Student's attempts to sow discord between other students.

A Neuropsychological Evaluation of the Student indicated difficulties with regulating their emotions, being oppositional, and clinically significant areas for externalizing behaviors. "[The Student's] experiences with bullying and negative social interactions have likely contributed to social anxiety as well."

After school on February 19, 2024, the Student had a physical altercation with another student. The Student requested they be kept away from this student and other students. The District indicated the Parent's concerns were resolved through a general education safety plan. The Student's IEP was amended on February 22, 2024 and added that the Student would start and end their day with a check-in/check-out. A PWN dated the same day summarized the amendment. The Parent signed both documents. After the incident, the Student received their assignments on Google Classroom, had them sent home, or the Parent collected them.

On March 1, 2024, a safety plan was drafted and signed by the Parent on April 9, 2024. The safety plan indicated the Student had been in conflict with several students, and instructed that the Student should be kept away from those specific students. The safety plan was unrelated to special education and was not included in the Student's IEP. On March 4, 2024 there was a meeting to review the safety plan. An IEP amendment dated March 26, 2024, and signed by the Parent, added functional breaks to the IEP.

A PWN dated March 26, 2024 proposed a Student re-evaluation. A Notice of Special Education Meeting proposed a meeting for May 15, 2024 to review the Student's evaluation. The Parent signed both documents. A Re-Evaluation Report dated May 15, 2024 indicated the Student reported challenges with bullying, and that the Student met the criteria as a student with a Learning Disability. During the meeting, the Parent inquired about the safety plan for the 2024-25 school year. A PWN dated May 21, 2024 indicated the Student was eligible for special education services.

In a meeting on August 16, 2024, the Parent requested the District dismiss the Student's general education safety plan because it made the Student feel like they were being punished. The District complied with the request. An IEP amendment on October 4, 2024 indicated the Student would receive special education services in the special education classroom for the core contents, for 20 minutes once a week. The added accommodation was that the Student

would start their day with a check-in with an adult. These amendments were summarized in a PWN.

An IEP draft dated December 5, 2024, signed by the Parent, described special education services that would take place in the special education classroom, starting on December 5, 2024 and January 7, 2025. The IEP listed Accommodations and Modifications, including, "When the Student started to show signs of dysregulation, the Student would be encouraged to communicate the need for a functional break." The Parent signed a PWN summarizing the IEP draft. The Student's special education services changed from in-class to pull-out due to greater needs.

On January 28, 2025, the Student had a negative interaction with another student. That night, the Parent emailed the Principal a screenshot of a text message sent to the Student. The Parent explained that the sender was not supposed to contact the Student or be in the same class, per the Student's IEP and safety plan. On January 30, 2025, the Student had a physical altercation with another student and sustained a mild concussion.

When the Parent considered alternative schooling, the District sent a PWN offering continued special education services. The Parent indicated the District did not provide specially designed instruction for the Student during their recovery from the concussion. The Special Education Teacher stated the Parent did not request that assignments be sent home. They informed the Parent that materials would be posted online and available in the physical classroom to be taken home.

The Parent stated the Student was bullied in the special education classroom on February 3, 2025, and did not receive a break, which the Special Education Teacher denied. A PWN dated February 13, 2025 indicated the Student's last day at the School was February 3, 2025. On February 24, 2025, the Parent informed the School the Student was not returning. The Student missed 10 cumulative days of school from January through February 2025.

The Student's Progress Report for the 2023-24 school year indicated the Student made progress on two of their three IEP goals. Another Progress Report indicated the Student made a "slight improvement" on their goals between December 5, 2024 and February 4, 2025. Calendars from February 2024 through February 2025 contained handwritten notes which demonstrated the Student received consistent instruction on the days the Student was in school. During the 2024-25 school year, the Student had two "A's", one "B", and one "C" at the end of semester one, and one "B", two "C's", one "D", and one "F" by the end of semester two.

Documentation showed that the District responded to the Parent's concerns, including through the creation of a safety plan and different IEP amendments. There were regularly documented and consistent PWNs, IEP amendments and drafts, meeting notices, and evaluations. Progress reports demonstrated the Student made progress toward their IEP goals, and staff documented when the Student received certain instruction, per their IEP.

Based on the foregoing, according to IDEA and Kansas special education regulations, *it is not substantiated* that the district failed to implement the Student's IEP during the 2024-25 school year due to bullying and an unsafe school environment.

Tania Tong, Licensed Complaint Investigator

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.gov. 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)