

KANSAS STATE DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND TITLE SERVICES
REPORT OF COMPLAINT
FILED AGAINST
UNIFIED SCHOOL DISTRICT #423 MOUNDRIDGE PUBLIC SCHOOLS
ON MARCH 6, 2025
DATE OF REPORT: APRIL 22, 2025

This report is in response to a child complaint filed with the Kansas State Department of Education against USD #423 Moundridge Public Schools on behalf of ----- by her parents, ----- . In the remainder of the report, ----- will be referred to as “the student” and ----- will be referred to as “the complainants” or “the parents.” ----- will be referred to as “the father” and --- will be referred to as “the mother.”

The complaint is against USD #423 Moundridge Public Schools and in the remainder of the report will be referred to as “the district”. The McPherson County Special Education Cooperative (McCSEC) provides special education support for the district; however, Moundridge Public Schools remains the agency responsible for the student’s educational services. In the remainder of the report, will be referred to as “the coop.”

The Kansas State Department of Education (KSDE) allows for a 30-day timeline to investigate a complaint from the date in which it was filed. A complaint is considered filed on the date in which it was received by KSDE. In this case, the KSDE initially received the complaint on March 6, 2025 with a planned ending date of April 6, 2025. The complainants and district agreed to mediation which occurred on April 14, 2025 suspending the investigation pending the outcome. Following the successful mediation the parent requested that the investigation continue. This report considers the mediation agreement decision and the evidence and interviews provided by the district and complainants in the investigation.

Evidence Reviewed

During the investigation, the Complaint Investigator Dr. Donna Wickham reviewed the following evidence and spoke with the father by phone on March 10, 2025 about facts of the investigation. Additionally, the investigator spoke with the director of the coop on March 11, 2025 and requested additional written documentation on April 16, 2025 and April 21, 2025.

- Consideration of Special Education Evaluation and/or Reevaluation (All Eligibility Categories) in consideration of 3 year Reevaluation date of May 25, 2024, signed by IEP school team members, November 28, 2023 and signed by parents and school representative on February 2, 2024
- Re-Evaluation Not Needed Agreement waiver Request, signed by parents February 2, 2024

- IEP Amendment, dated August 20, 2024, signed by parent and school administrator October 28, 2024
- Prior Written Notice for Identification, Special Education and Related Services, Educational Placement, Change in Services, Change in Placement, and/or Request for Consent dated August 20, 2024, signed by parent on October 28, 2024
- Student meeting notes dated January 24, 2025
- Prior Written Notice for Evaluation or Reevaluation and Request for Consent dated January 24, 2025
- Email from school psychologist to principal, dated January 28, 2025 at 6:14 p.m.
- IEP meeting notes dated February 7, 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 February 10, 2025
- Email from the father to the KSDE District Resolution Coordinator and investigator, dated March 10, 2025 at 1:53 p.m.
- Signed mediation, dated April 14, 2025
- District timeline to investigator, undated
- Coop handbook sections regarding Parent Requests for Evaluation, Initial Evaluation, Eligibility Determination and Documentation, Reevaluation, Notice of Meeting Requirements Pages 9-13, undated

Background Information

This investigation is on behalf of a fifteen-year old high school freshman eligible for special education services as a student with other health impairments with a medical diagnosis of ADHD. The parent reported that the student used a tutor during elementary grades to assist with academics. During elementary school, the student was also diagnosed with ADHD. During the pandemic, the student attended two separate virtual schools. The father reported that the second virtual school did routine testing and discovered the student tested two to three grades below in some content areas needs and recommended special education evaluation and/or services. The student was initially evaluated and qualified for special education and related services May 25, 2021. During the 2023-2024 school year the school requested a re-evaluation, but the parents refused, and the school agreed to waive the re-evaluation. The student has since transitioned to high school and according to the school staff continued to progress and use general education supports.

Issue One

Did the district follow IDEA procedures when conducting evaluation of a student who is eligible for special education and related services?

Applicable Law

Federal regulations at 34 C.F.R. 300.305(e) state that a public agency must evaluate a child with a disability before determining that the child is no longer a child with a disability.

Federal regulations at 34 C.F.R. §300.300(c)(1)(i) state the district must obtain informed parent consent prior to conducting any re-evaluation of a child with a disability.

Analysis: Findings of Fact

Parent Position

The complainant alleged in the complaint of March 6, 2025 that the student's IEP meeting was conducted on January 24, 2025 with the intention of dismissing the student from special education services "before the parents had opportunity for input." The complaint further alleges that a follow-up email from the school psychologist on January 27, 2025 verified the district's feedback from the student's teacher for re-evaluation without giving equal weight to the student's classroom grades, low state assessment scores, and low Pre-ACT scores.

District Position

The district responded that they were following routine IDEA regulations and district procedures when proposing to conduct a re-evaluation for the student whose re-evaluation had previously been scheduled by May 25, 2024 and waived for one year already. The district stated their intention was not predetermined to dismiss the student from special education service, however the school believed a re-evaluation was needed due to the student's continued progress and overall success as the 2024-2025 school year continued. This caused the school to initiate conversation with the parent to explain the re-evaluation process and a meeting to determine a possible plan for the re-evaluation. The parents have continued to refuse to give consent for a re-evaluation. Mediation occurred on April 14, 2025 and an agreement was made to conduct an outside evaluation that will be considered by the district.

Analysis: Findings of Fact

The student's initial and most current special education evaluation was May 25, 2021.

The meeting notes for the January 24, 2025 meeting between school staff and parents documented that the district staff shared data, teacher perspective, grades, and Fastbridge and stated these data sources indicated that the student no longer needed specially designed instruction and that the district described three options as next steps in light of these findings: 1) Re-evaluate the student to dismiss; 2) Revoke services so no re-evaluation is needed; or 3)

Review records or Re-Evaluate to determine if the student continues to need special education or related services.

The father stated during his phone conversation with the investigator on March 10, 2025 that they attended a meeting with the intention of determining the student's new IEP and the district staff came in with an agenda to discontinue the student's special education services. The father stated that the student has continuing needs and the data they provided to demonstrate the student did not need services did not consider the student's grade, assessment scores and pre-ACT scores.

The PWN dated January 24, 2025 proposed to evaluate the student to assess a continued need for special education services since the student is performing well academically with minimal special education support. The document recorded that the IEP team considered not to reevaluate, but at this time the IEP team feels that it would be beneficial to determine the student's continued need for special education services and that the evaluation would be conducted with Input from parents, teachers, standardized assessments, curriculum based measures, classroom performance, and record review. The PWN documents that this notice was hand delivered to the parents on January 24, 2025, but was not signed.

The February 7, 2025 meeting minutes between the parents and school staff verified that the parents refused the request by the district to reevaluate and that the district would continue to provide the services to the student as currently written in spite of the parents requesting changes to the IEP for additional services and accommodations.

The PWN dated February 10, 2025 documented the decisions made at the February 7, 2025 meeting " This PWN is in response to the IEP team meeting held on 02/07/2025 concerning the continued IEP services for [student]. [Parents] have requested the initiation of a new annual IEP with additional services and accommodations for their [student]. The [district] and the [coop] are (sic) refusing to initiate a new annual IEP for [student] without completing a comprehensive reevaluation to determine continued eligibility and need for special education services." The PWN documented the explanation of refusal as, "The IEP team does not have sufficient data to demonstrate the need for a new annual IEP to be initiated at this time. The IEP team would like to conduct a reevaluation in order to determine the continued need for special education services at this time. [Parent] have refused to consent to the special education reevaluation." This PWN was hand delivered to the parents on February 10, 2025 and was not signed. Finally, the PWN added one additional consideration as, "The [parents] have also requested that accommodations be made specifically in relation to [student's] ability to take science tests over several sessions, rather than all at once, in order to increase [student's] ability to focus and recall content more easily. [School] will make these accommodations through general education interventions at this time."

The April 14, 2025 Mediation Agreement recorded that “parents agree to outside testing” with specifics noted as “Woodcock cognitive, academic rating, classroom observation, student/teacher interview in addition to testing.”

Conclusion

In this case the district followed regulations at 34 C.F.R. 300.305(e) by citing reasons for requesting a re-evaluation and the parents refused to consent. Federal regulations at 34 C.F.R. §300.300(c)(1)(i) are clear that a district must obtain informed parent consent prior to conducting any re-evaluation of a child with a disability.

Later the parents and district agreed to mediation and a decision was made to conduct some outside evaluation that may be provided to the district for consideration (34 C.F.R. §300.502(c)(1)).

Therefore, it is found that the district is ***IN of compliance*** with 34 C.F.R. §300.300(c)(1)(i) and 34 C.F.R. 300.305(e). The district followed IDEA procedures when requesting parent consent to conduct a re-evaluation of a student who is eligible for special education and related services. It did not receive the necessary consent and so was precluded from conducting the proposed re-evaluation.

Summary of Conclusions/Corrective Action

Issue One: A violation of 34 C.F.R. §300.300(c)(1)(i) and 34 C.F.R. 300.305(e) was not found, based on the facts above. 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.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)