

KANSAS STATE DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND TITLE SERVICES
REPORT OF COMPLAINT
FILED AGAINST
UNIFIED SCHOOL DISTRICT #229, BLUE VALLEY PUBLIC SCHOOLS
ON APRIL 11, 2025
DATE OF REPORT: APRIL 28, 2025

This report is in response to a complaint filed with the Kansas State Department of Education against USD #229 (Blue Valley Public Schools) on behalf of ----- by his father ----- . In the remainder of the report, ----- will be referred to as “the student”, ----- as “the father” or “complainant”. The student’s mother is ----- and will be referred to as “the mother” in the remainder of the report.

The complaint is against USD #229 (Blue Valley Public Schools). In the remainder of the report, USD #229 will be referred to as the “district” The student currently attends Indian Valley Elementary School which will be referred to as the “school” in the remainder of the report. School and district staff will be referred to In the remainder of this report as follows:

- Dr. Mark Schmidt, Assistant Superintendent Special Education
- Carol Lujano, School Psychologist
- Amanda Geyer, Student’s Case Manager
- Samantha Lovgren-Urbe, Speech Language Pathologist (SLP)

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 first complaint on April 10, 2025 and the second on April 11, 2025 .

Evidence Reviewed

USD #229 made the following staff available for interviews on April 18, 2025 as part of this investigation.

- Assistant Superintendent

During the investigation, the Complaint Investigator, Dr. Nikki Crawford, reviewed all evidence and documentation provided by the district and the father which included the evidence and final report from a similar complaint filed by the father on February 27, 2025. The complaint investigator contacted the father, director and school psychologist on April 15, 16, 17, 18, and 21, 2025 by phone and email to clarify evidence and documentation.

In completing this investigation, the complaint investigator reviewed documentation provided by the complainant and district. Although additional documentation was provided and

reviewed, the following materials were used as the basis of the findings and conclusions of the investigation:

1. Minutes from the IEP meeting on November 15, 2024
2. The district response to complaint 25FC229-003 dated March 4, 2025
3. IEP draft dated April 10, 2025
4. IEP meeting notes dated April 10, 2025
5. PWN for refusal of Extended School Year (ESY) dated April 10 2025, signed by the mother on April 16, 2025
6. PWN for reduction in minutes of speech language services dated April 10, 2025, signed by the mother on April 16, 2025
7. Email sent by the case manager to the IEP team including the father and mother with IEP draft, PWN for refusal of ESY, PWN for reduction in speech/language service minutes and procedural safeguards dated April 11, 2025 at 2:34 p.m.
8. Email reply from father to case manager claiming the PWNs were not attached to the email dated April 15, 2025 at 3:55 p.m.
9. Email reply from the assistant superintendent to the father pointing out that all of the required IEP documents were in fact attached to the email from the case manager on April 11, 2025; this reply from the assistant superintendent also included the required IEP documents and was sent April 16, 2025.
10. Phone call between the father and investigator on April 15, 2025 lasting one hour and 17 minutes
11. Phone call between the father, KSDE Dispute Resolution Coordinator and investigator on April 16, 2025 lasting 25 minutes
12. Email from school psychologist to the father and mother with attached PWN for the psychological evaluation sent April 16, 2025
13. PWN for the psychological evaluation dated April 16, 2025, signed by the mother on April 16, 2025
14. Phone interview with the Assistant Superintendent on April 18, 2025
15. Email from the school psychologist to investigator on April 21, 2025
16. District response dated April 21, 2025

Background Information

The subject of this complaint is a ten-year-old fourth grader with Speech/Language Disabilities as the qualifying exceptionality as noted in the most recent re-evaluation dated April 20, 2023.

The IEP dated April 17, 2024 lists four annual goals and includes 20 minutes of direct speech and language services in the special education classroom 2 days every week, 30 minutes of direct special education services in the special education classroom 5 days every week and 60 minutes of direct special education services in the general education classroom 5 days every week. The IEP lists that in addition to instruction targeting reading and writing goals, instruction will include guided and repeated practice, reteaching, and immediate feedback on decoding single and multi-syllabic words, encoding/spelling skills, high-frequency words, and syllable types. The student's IEP includes one accommodation, taking tests in a quiet, non-competitive setting. The IEP lists the student's strengths as, "[the student] is a respectful child. [The student] wants to do well and puts forth their best effort. [The student] is personable and friendly with peers and staff members. [The student] has strengths in reading fluency (accuracy and speed) and math. [The student] is highly motivated to do well. [The student] shows grit, perseverance, and is always willing to ask for help when needed. [The student] is very confident in his phonics skills and is always wanting to participate".

There was an IEP meeting on April 10, 2025 during the investigative period at which the team agreed to conduct a psychological evaluation, proposed a reduction in service minutes for speech language services and discussed the father's request for ESY.

Issues Investigated

Based on the written complaint and an interview with the complainant, three concerns which fall under the same IDEA regulations were identified and investigated.

Issue One

Did USD #229 consider and respond to the father's request on November 5, 2024 for a psychological evaluation?

Applicable Law

Federal regulations at 34 C.F.R. 300.503(a)(2) states that prior written notice needs to be provided to the parents of a child with a disability a reasonable time before the public agency proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.

Parent Position

The father's complaint dated April 10, 2025 states, "[the school psychologist] in the meeting on Nov 5, 2024 refused to do a psychological evaluation".

District Position

The district response notes, “ [the school psychologist] has stated that she has not spoken to or communicated with [father] on November 5, 2025. In fact, she has not spoken to or communicated with [father] this year outside the IEP meetings that occurred on September 5, 2024, November 15, 2024 and April 10, 2025”.

Additionally, “If [the father] intended to make this accusation about the November 15, 2024 IEP meeting, which took place during parent teacher conferences, the district again denies that they received any request for a psychological evaluation. This was also addressed in the district response to 25FC229-003”.

Analysis: Findings of Fact

The following finding of facts is based upon a review of the documentation noted previously and interviews with all parties.

1. In the father’s complaint he stated, “ [the school psychologist] in the meeting on Nov 5, 2024 refused to do a psychological evaluation”.
2. In the interview with the father on April 15, 2025 he stated that the school psychologist denied his request for a psychological evaluation made on November 5, 2024 without consulting with the IEP team, “the decision did not go to the IEP team”.
3. In an email exchange with the school psychologist and as stated in the district’s response there was no meeting between the father and school psychologist on November 5, 2024.
4. In the minutes from the November 15, 2024 IEP meeting notes make no mention of a psychological evaluation request.
5. The district response denies that the father requested a psychological evaluation at the November 15, 2024 IEP meeting.
6. In the minutes from the April 10, 2025 IEP meeting it notes that the father requested a psychological evaluation due to concerns about his child's behavior.
7. An email sent from the school psychologist to the father, mother, assistant superintendent, case manager and principal included an attached PWN for the psychological evaluation dated April 16, 2025.
8. The PWN for the psychological evaluation states, “[father] has requested that the district complete a "psychological evaluation" on [student] due to his behaviors in the classroom and at recess. At the annual IEP held on 4/10/25, the team discussed this request and agreed to complete behavior scales (specifically the Behavior Assessment System for Children, Third Edition) with [student]”.
9. The mother signed the PWN for the psychological evaluation on April 16, 2025

Conclusion

In this case, the father's assertion that he met with the school psychologist on November 5, 2024 where she declined a request for a psychological evaluation is denied by the school psychologist. If the father has the dates confused and is referring to the November 15, 2024 IEP the district denies that they receive any request for a psychological evaluation at the November 15, 2024 IEP meeting, nor is there mention of a psychological evaluation in the IEP meeting minutes.

The father's request for a psychological evaluation at the most recent IEP meeting on April 10, 2025 was responded to with a PWN sent on April 16, 2025 requesting consent to conduct the psychological evaluation. The mother signed the PWN giving consent on April 16, 2025.

Based on the foregoing, there is no evidence of a meeting where a request was made for a psychological evaluation on November 5, 2024, nor at the November 15, 2024 IEP meeting. The district did respond to the father's request for a psychological evaluation when made at the April 10, 2025 IEP meeting with a PWN. Therefore the district *is IN compliance* with no corrective actions required.

Issue Two

Did USD #229 discuss and respond to the father's concerns related to the reduction in speech/language services as stated in the IEP?

Applicable Law

Federal regulations at 34 C.F.R. 300.503(a)(2) states that prior written notice needs to be provided to the parents of a child with a disability a reasonable time before the public agency proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.

Parent Position

In the father's second complaint on April 11, 2025 he states, "[the] school district wants to reduce services on my kids IEP for speech language and special education...".

District Position

As noted in the district's response, "The second PWN required parental consent as it decreased services by more than 25% for classroom adult support and [speech language pathologist] SLP services. As the notes show, during the meeting [the father] shared his concerns and the SLP and teacher reviewed the data that supported the proposals. The IEP Team, including the student's mother, ultimately believed that the reduction was appropriate and the student's mother signed the PWN consenting to the change".

Analysis: Findings of Fact

The findings of Issue One are incorporated herein by reference. The following finding of facts is based upon a review of the documentation noted previously and interviews with all parties.

1. The minutes from the IEP meeting on April 10, 2025 reflect discussions about the student's progress on his speech language goals including the father's disagreement and the district's rationale for proposing the change.
2. In the interview with the father he expressed concern that his child was not making appropriate progress on his speech language goals.
3. The meeting minutes reflect lengthy conversations about the student's progress and needs related to speech language services. The team agreed to continue with the student's reading, writing and language goals.
4. The meeting minutes reflect the following changes in services, "It is proposed to decrease [the student's] service for special education support in the general education classroom from 60 minutes to 30 minutes 5x weekly. It is proposed to reduce direct speech-language therapy services from 20 minutes 2x per week to 30 minutes 1x per week".
5. A PWN reflecting the proposal of reduction in services was sent to both parents on April 11, 2025 and signed by the mother giving consent on April 16, 2025.

Conclusion

It was clear in the April 15, 2025 interview between the investigator and father that the father believed the investigator had the power to direct the IEP team's decisions. The investigator clarified with the father several times that the power of the investigator in this case, is limited to ascertaining whether the father's concerns were considered in the IEP meeting and that the district followed the appropriate IDEA regulation for providing notice and obtaining consent for changes for which consent is required.

In this case, the district considered the father's disagreement with the reduction in speech language services at the IEP team meeting. The IEP team, other than the father, agreed that the reduction in speech language services was appropriate. The district issued a PWN for these changes which was signed by the mother. According to the Kansas State Department of Education Kansas Special Education Process Manual "Consent from one parent is sufficient. In the event that the school receives responses from both parents, with one providing consent and the other denying consent, the school is deemed to have received consent and must fulfill its obligation to provide FAPE to the student. The parent who denies consent has the right to request mediation or file for due process." (page 19)

Based on the foregoing, the district followed the process as required by IDEA for consideration of issues raised by the IEP team and responded appropriately, in a timely manner with a PWN. The district *is IN compliance* and no corrective actions are required.

Issue Three

Did USD #229 discuss and respond to the father's request for Extended School Year (ESY)?

Applicable Law

Federal regulations at 34 C.F.R. 300.503(a)(2) states that prior written notice needs to be provided to the parents of a child with a disability a reasonable time before the public agency proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.

Parent Position

In the father's second complaint on April 11, 2025 he states, "ESY (extended school year) would be beneficial for his IEP improvement..."

District Position

As noted in the district's response, "[The father's] child was not eligible for ESY as noted on the parent signed April 17, 2024 IEP and the district proposed that [the student] again would not be eligible for ESY 2025. [The father] disagreed with this proposal and the district responded to his concerns as indicated in the first of two PWNs for the 4-10-2025 meeting. This PWN along with the meeting notes clearly shows that the district considered his input before deciding that the student did not qualify for ESY. As this was not a change to the IEP, parent consent was not necessary."

Analysis: Findings of Fact

The findings of Issues One and Two are incorporated herein by reference. The following finding of facts is based upon a review of the documentation noted previously and interviews with all parties.

1. In the notes from the April 10, 2025 IEP meeting, the request from the father for ESY was discussed as follows, "Extended School Year: [The case manager] reinforced that ESY is to remediate goals that are currently on [the student's] IEP. [The assistant superintendent] also clarified that the areas that [the father] is concerned about are more general education issues and those would not be addressed in ESY. [The assistant superintendent] asked both parents if either of them believe [the student] showed regression on [their] special education goals this year? If [the student] met all of [their] goals, we can't say [they] regressed. [The mother] agreed and stated that [student] reports that ESY is boring. [The father] again disagreed with the team proposal regarding ESY".
2. The district sent the PWN to refuse provision of ESY on April 11, 2025.
3. The mother signed the PWN giving consent on April 16, 2025.

Conclusion

In this case, the provision of ESY was discussed at the April 10, 2025 IEP meeting by members of the IEP team. The IEP team, other than the father, agreed that ESY was not appropriate.

Based on the foregoing, the district followed the process as required by IDEA for consideration of issues raised by the IEP team and responded appropriately, in a timely manner with a PWN. The district *is IN compliance* and no corrective actions are required.

Summary of Conclusions/Corrective Action

1. **ISSUE ONE:** A violation of 34 C.F.R. 300.503(a)(2) is not found based on the fact that a meeting between the father and school psychologist did not take place on November 5, 2024, the father did not raise the issue at the November 15, 2024 IEP meeting and once the request was made at the April 10, 2025 IEP meeting it was appropriately responded to by the district. Corrective action is not required.
2. **ISSUE TWO:** A violation of 34 C.F.R. 300.503(a)(2) is not found based on the district's consideration and response with a PWN for reduction in services. Corrective action is not required.
3. **ISSUE THREE:** A violation of 34 C.F.R. 300.503(a)(2) is not found based on the district's consideration and response with a PWN for denying ESY. 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)