

KANSAS STATE DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND TITLE SERVICES
REPORT OF COMPLAINT
FILED AGAINST
UNIFIED SCHOOL DISTRICT #229, BLUE VALLEY PUBLIC SCHOOLS
ON MARCH 17, 2025
DATE OF REPORT: MAY 2, 2025

This report is in response to a complaint filed with the Kansas State Department of Education against USD #229 Blue Valley Schools on behalf of -----, by her mother, ----- . In the remainder of the report, ----- will be referred to as “the student.” ----- is the student’s mother and in the remainder of the report she will be referred to as “the complainant,” or “the mother.” A student who disclosed information relevant to issue 2 will be referred to in this report as the “classmate”. Her mother will be referred to as the “classmate’s mother.”

The complaint is against USD #229 Blue Valley Schools. In the remainder of the report, USD #229 will be referred to as “the district.” The student attends Blue Valley Southwest High School and in the remainder of the report will be referred to as “the school.”

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 17, 2025 and the 30-day timeline ended on April 17, 2025. The investigator subsequently requested and received an extension with the timeline ending May 2, 2025.

Evidence Reviewed

During the investigation, the Complaint Investigator Dr. Donna Wickham reviewed all documentation provided by the district and the parent. The following was used in consideration of the issues. It is noted that some documentation is older than 12 months and was used to better understand the context of the complaint and was not used in determining the findings, but is listed below in the evidence.

- Evaluation Report, dated May 16, 2024
- IEP dated May 16, 2024
- Prior Written Notice for Identification Initial Services, Placement, Change in Services, Change of Placement, and Request for Consent, dated May 16, 2024, signed by parent on August 13, 2025
- IEP Parent revisions with psychologist notes referenced in August 13, 2024 email
- Special Education Student Contact Log, dated August 5, 2024 through August 13, 2024 through

- Prior Written Notice for Identification, Initial Services, Placement, Change in Services, Change of Placement, and Request for Consent, dated August 10, 2024.
- IEP at a Glance, dated August 27, 2024
- Email exchange between mother and ELA teacher dated between September 9, 2024 at 6:39 p.m. and September 11, 2024 at 11:59 a.m.
- Email from case manager to mother dated September 13, 2024 at 9:27 a.m.
- ELA Accommodation log dated from September 13, 2024 through April 14, 2025
- Email exchange between mother and school psychologist dated September 13, 2024 between 9:42 a.m. and 1:49 p.m.
- Student observations during ELA and Biology, dated November 20, 2024
- Notice of Meeting dated December 2, 2024
- Student Team Meeting Agenda, dated December 2, 2024
- Email exchange using Canvas Notifications between mother and case manager dated between December 9, 2024 between 7:27 p.m. and December 10, 2024 at 9:01 a.m.
- Email exchange between mother and ELA teacher dated December 10, 2024 between 3:00 p.m. and 9:59 p.m.
- Email from mother to biology teacher, district special education director and case manager dated December 19, 2024 at 8:02 a.m.
- Biology Accommodation log dated from January 9, 2025 through March 31, 2025
- Notice of Meeting dated January 10, 2025
- Email exchange between mother and case manager dated February 4, 2025 between 1:15 p.m. and 1:38 p.m.
- Student behavior in study skills/academic support time, dated February 11, 2025 through March 31, 2025
- Email from the case manager to mother dated February 13, 2025 at 3:00 p.m.
- Progress reports, dated March 14, 2025
- District response dated April 7, 2025
- District response timelines, undated
- Email between mother and school psychologist dated April 11, 2025 at 10:49 a.m.
- Email exchange between mother and assistant principal dated April 15, 2025 between 10:34 a.m. and 3:18 p.m.
- Seven completed and undated worksheets provided by student's mother printed from the www.themeasuredmom.com
- Blue Valley Southwest School District Student Handbook, undated
- Structured Literacy -ck, -tch, -dge Lesson Plan
- SDI description, progress, and recent teacher feedback, undated
- Academic Language-Reading Evaluation dated May 3, 2022

- Center for Research, Evaluation and Awareness of Dyslexia, Summary of Assessment dated May 26, 2021

The Investigator first spoke with the mother by phone on March 26, 2025 and again on April 11, 2025. The Investigator spoke with the district special education director by phone on March 10, 2025 and April 10, 2025 to clarify the issues and discuss requested evidence. The investigator interviewed the mother of the classmate who reported hearing a teacher disclose personally identifiable information during a phone conversation on April 9, 2025. The investigator interviewed Amanda Todd, School Psychologist; Michael Rasmussen, Assistant Principal; Kinsey Binger, ELA teacher; Kristi Childs Case manager; Leann Voor Vart, Special Education Consultant; and Jennie Perdieu, District Special Education Director on April 9, 2025 by video conference. The investigator then interviewed two paraeducators, Deb Prater-Newell and Leah Moser on April 21, 2025 by video conference with Amanda Todd, School Psychologist.

Background Information

The student is a fourteen-year-old ninth grader who is eligible for special education and related services under the category of specific learning disability, with a subcategory of dyslexia according to the student's initial special education evaluation dated May 15, 2024. According to the special education evaluation report the student received the diagnosis of dyslexia during May 2022 and prior to eligibility had a Section 504 plan to provide the following accommodations for the dyslexia: 1) One additional school day to complete assignments; 2) Advanced notice to practice before reading aloud; 3) Shortened assignments to demonstrate mastery; 4) Extended time (up to 1.5x) to complete exams; 5) Access to text-to-voice technology available on the school issued device; 6) Access to teacher-provided notes; 7) Allowed to have questions on a test read aloud; 8) Checklist for multi-step tasks (Ex: assignment directions, mathematical procedures, paper editing, etc.); 9) Provided directions in a variety of ways; 10) Preferential seating, near the teacher and away from distractions; 11) Utilize a quiet, separate setting for testing and/or completing assignments; and 12) Enrolled in the reading strategies class (an intervention class to help students work on reading skills) and FLEX class (focused and targeted on helping students complete work and work on their executive functioning skills)

The PWN dated May 16, 2024 recorded, "For the remainder of the 23-24 school year, [student] will have indirect services with [student's] special education teacher in order to ensure [student] is being provided with accommodations and modifications as the year ends. For the 2024-2025 school year, [student] will have access to the following special education services:- 90 minutes of special education services in the special education setting 2 days a week to address IEP goals related to encoding and decoding- 53 minutes of special education services in the special education setting 1 day a week to address IEP goals related to encoding and decoding- 90 minutes of special education services in the general education setting 2 days a

week to support learning in the ELA classroom- 53 minutes of special education services in the general education setting 1 day a week to support learning in the ELA classroom."

Issues Investigated

ISSUE ONE: Did the district implement the student's IEP specific to instructional and testing accommodations and direct instruction in decoding listed in the May 15, 2024 IEP during 2024-2025 school year?

ISSUE TWO: Did one of the student's teachers disclose personally identifiable information about the student to other students during the 2024-2025 school year?

Issue One

Did the district implement the student's IEP specific to instructional and testing accommodations and direct instruction in decoding listed in the May 15, 2024 IEP during 2024-2025 school year?

Applicable Law

Federal regulations at 34 C.F.R. §300.323(c)(2) require school districts to ensure that as soon as possible following the development of the IEP, special education and related services are made available to the child in accordance with the child's IEP. K.A.R. §91-40-16(b)(2) further specifies those services for which written consent has been granted as specified by law are implemented not later than 10 school days after parental consent is granted unless reasonable justification for a delay can be shown.

K.S.A. 72-3429(c)(7) states that the IEP for each exceptional child shall include: the projected date for the beginning of the services and modifications described in provision (4), and the anticipated frequency, location, and duration of those services and modifications.

Parent Position

The Mother alleged that the student is not being given the accommodations listed in the student's IEP in spite of reaching out to each teacher, the assistant principal and director of special education. Further, the parent alleged that "There is no structured literacy instruction. When I pointed this out, one was implemented. I'm not allowed to see it and the assignments are due in class. It is also an online course of [student] teaches [self]." The parent stated that she was "offered a formal IEP meeting as my only option to discuss my concerns which, I believe, could be resolved with a change in [student's] special education teacher and some reinforcement from administration when accommodations are consistently ignored."

District Position

The district responded that teachers implemented the instructional and testing accommodations included in the May 15, 2024 IEP during the 2024-2025 school year.

Teachers were informed of the IEP accommodations through meetings and conversations and at the start of the school year and at the start of the second semester. In addition, an IEP at a Glance document was finalized on August 27, 2024 and automatically distributed to all of the student's teachers at that time.

During the school year teachers shared their concern that the student often refused the accommodation provided. These refusals were recorded by both the ELA and Biology teachers. When the student received poor grades for not completing assignments (with accommodations), the parent would believe that the teachers had refused to provide the accommodations. Time and again, the parent would communicate that the accommodations were not being followed. When the parent raised these issues, the school offered an IEP meeting to discuss the concerns. The parent refused to attend or did not respond to the offer.

In regard to allegation about providing literacy instruction, the district responded that the student has been provided structured literacy instruction in the case manager's study skills class since the beginning of the school year, using district resources and later an online resource for the student's practice. The district reports that the student has met and exceeded IEP goals, despite becoming increasingly disengaged in the class this semester and openly telling the case manager that the student does not have to participate.

Analysis: Findings of Fact

Accommodations:

The IEP dated May 16, 2024 in effect during the 2024-2025 school year lists the following accommodations under the section, Supplementary Aids and Services (Accommodations and Modifications) These listed accommodations do not list the start date, location, frequency, and duration.

1. Student will have up to one school day of extended time to complete class assignments.
2. Student may complete shortened assignments to demonstrate mastery (to be determined by the resource teacher, general education teacher, and student as needed as a team)
3. When written work is not being assessed for written expression, student will be offered the option to demonstrate knowledge via a video submission or answering questions orally, as determined by the teacher.
4. The student will have teacher-provided notes. Completed copies of notes and study guides will be handed directly to the student, if not readily available on Canvas.
5. The student will be provided directions in a variety of ways (i.e., verbally and written)
6. The student will be provided a checklist for multi-step tasks/assignments (Ex: assignment directions, mathematical procedures, paper editing, etc.) when the assignment is not already broken down in chunks for the whole class.

7. Student will be given advanced notice to practice before reading aloud (please do not call on student without prior notice to read aloud in class.)
8. The student will have preferential seating, near the teacher and away from distractions.
9. The student will be offered to use dictation software for written work.
10. The student will have text-to-voice technology available on the student's school issued device
11. The student will have access to audiobooks. Extended time will be considered based on the extended time it takes to listen to audio versus to read.
12. The student will have access to headphones during independent work time, but not during class times when the teacher is providing direct instruction. Noise-canceling headphones with no music are allowed in class. If the student needs a distraction-free environment for independent work, the student will be offered a quiet separate setting to complete assignments. Headphones can be used in a setting separate from other students.
13. If an assignment is to be completed without the use of word processing technology, points for incorrect spelling, punctuation, or capitalization should not be lost. Points will not be lost for errors in spelling, capitalization, or punctuation when using word processing technology when these skills are not being measured.
14. Three testing accommodations include: 1) the student will be allowed extended time (up to 1.5x) to complete exams; 2) the student will be offered to have questions on a test read aloud; and 3) the student will be offered (privately) to utilize a quiet, separate setting for testing.

The IEP dated May 16, 2024 in effect during the 2024-2025 school year additionally lists four accommodations for assessment that include: 1) take test in a quiet, non-competitive setting; 2) alternate testing format; 3) extended time; and 4) oral test administration and finally, one environmental accommodation to provide support with an organizational system. The assessment accommodations list the start date, location, frequency, and duration in the Assessment section of the IEP.

The district response records that on August 1, 2024 the middle school psychologist stated, "that major changes beyond what was discussed at the initial 8th grade IEP require a meeting with the high school team, copying [school psychologist] to take over".

Emails and documents show that during the summer the mother provided the school with revised accommodations to be made to the May 16, 2024 IEP. Early in August emails between the mother and school psychologists document that the mother intended for the accommodations to be revised to indicate that the accommodation will not be a choice for the student. The Prior Written Notice signed by the parent on August 13, 2024 do not document these changes.

Emails and Notices of Meetings document that the district proposed multiple IEP meetings during the 2024-2025 school year to discuss accommodations and other IEP issues, but no meetings were ever held.

The IEP at a Glance, dated August 27, 2024 included the accommodations listed in the May 16, 2024 IEP. During the interview, all staff indicated they had received or distributed this document and were familiar with the content. During the interview with the staff on April 9, 2025 the general education teacher and other staff were able to describe how the accommodations were implemented with the subject area.

The district stated that as a school their practice with their high school students is that while accommodations are always offered to students at the school they do honor a student's expression to not use an accommodation. Paras stated that when a student declines an accommodation that is included in a student's IEP that would be helpful they will privately talk with the student to learn why they might not be using the accommodation. One example of solving this is that students who can take tests in a quiet environment report directly to the "Satellite room" rather than have to report to the classroom get the test and then walk to the separate setting. The school reports that this is how the student's accommodation is provided for testing.

The paraeducators told the investigator that they are assigned to general education classrooms and then prior to the beginning of the semester during a professional development day they learn more about the accommodations, go over the student's IEP at a Glance document and discuss with the student's case manager and general education teacher how to deliver and use the accommodation in the content class.

The district disclosed in their district response and during interview that while compiling evidence to respond to this complaint, the district identified one time in when a testing accommodation was not offered immediately. The case manager discovered that the student had not received oral test administration for a biology quiz and a test taken in the Satellite testing center. By the time the parent reached out to raise the concern, the case manager had already rectified the situation by re-administering the quiz and test to the student orally.

Literacy Instruction:

The May 16, 2024 IEP includes two literacy goals: one for decoding and one for encoding. The August 10, 2024 PWN revises the service minutes written in the May 16, 2024 IEP to coincide with the high school schedule and lists 90 minutes of special education services in the special education setting 2 days a week to address IEP goals related to encoding and decoding- 53 minutes of special education services in the special education setting 1 day a week to address IEP goals related to encoding and decoding- 90 minutes of special education services in the general education setting 2 days a week to support learning in the ELA classroom- 53 minutes

of special education services in the general education setting 1 day a week to support learning in the ELA classroom.

The mother emailed the case manager February 4, 2025 stating, '[student] continues to have the lowest of all [student's] grades in your class and [student's] FastBridge scores demonstrate [student's] definitely not receiving any structured literacy or reading strategies instruction. [Student's] reading scores fell from the 49th to the 11th percentile in three months and [student's] auto reading dropped from the 33rd to the 25th percentile. It's disheartening to say the least.' The case manager replied later that day the following explanation, "I am happy to share [student's] progress with you and the structured literacy instruction that [student] has received so far. I would interpret [student's] FastBridge scores with extreme caution – I had to prompt [student] to wake up several times during this computerized screener that is given to all freshmen. As a student with an IEP for reading, that is not a data point we heavily rely on, as we do more in-depth progress monitoring of specific reading skills [student] is practicing. As far as the "due now" assignments in my class, these are very short (~5-10 minute) assignments where the purpose is to engage in the learning in that moment. [Student] has 90 minutes (or 45 minutes on Fridays) to do these ~5-10 minute assignments, with my assistance. If [student] has a zero, it reflects refusal to engage in the assignment after multiple prompts. Today during Study Skills when we were going over the day's assignments (including the assignment you asked me to help [student] with), [student] said that [student] would just do them tonight at home. I am concerned about [student's] hesitancy to accept the help offered to [student] in my class and other classes as well as the sleeping. I would still very much like to schedule a team meeting, and we could even go ahead and update the annual IEP at that time since we have gotten to know [student]."

The student's case manager described how the service minutes to teach the student's literacy goals are taught during the study skills class. On a typical week, one particular literacy skill is addressed explicitly through a structured literacy lesson. The lesson is planned out using a lesson plan template that was provided by the district as part of the district's best practice regarding literacy instruction. This instruction is typically followed by a worksheet packet that allows the student to practice the skills that were explicitly taught. The packets generally contain a decodable reading passage as well as activities to practice spelling. The handouts are consistent with the student's FastBridge scores for reading at the 5th grade level. The case manager clarified that the handouts provided by the complainant from the measuredmom.com are examples of these and regularly used by all case managers teaching literacy in the district. These lessons introduce students to new words, provide a reading passage to practice comprehension/word-meaning skills, and allow practice of word meaning and word relationships.

The study skills class has a focus on reading instruction but also includes other topics such as executive functioning skills and transition skills (college and career exploration/readiness). In

addition, the student receives special education adult support in the general education ELA 9 class.

The complainant and case manager agreed that the student started using computer apps about three weeks before spring break to practice literacy skills. An email from the case manager on February 13, 2025 provided the mother a description of Lexia PowerUp Literacy, an online literacy program to be completed during class time on Canvas. The student was awarded points via Canvas assignments for completion. This program was added for additional practice on literacy skills and to allow the teacher to gather valid data on student engagement and potential growth.

The student's progress notes since the initial IEP document student progress: Decoding Baseline averaged 86%. The October Progress Report documented a 90% average. The December Progress Report reported a 88% average, and the March Progress Report documented a 97% average. For the Encoding goal the baseline was recorded at 80% average. The October Progress Report reported an 88% average. The December Progress Report reported an 85% average, and the March Progress Report reported a 91% average. It was further documented that due to an inconsistent schedule during the third quarter the assessment that was used the previous two quarters will be re-administered after the break.

Conclusion

The investigation indicates that a number of accommodations were written into the initial, May 16, 2024 IEP but they did not include a duration, location, or frequency except for those used in state and district testing. This is a procedural violation according to K.S.A. 72-3429(c)(7) which states that the IEP for each exceptional child shall include the projected date for the beginning of the services and modifications described in provision and the anticipated frequency, location, and duration of those services and modifications. Interview and emails reveal that there was disagreement between the mother and district about whether the student was refusing the accommodation written into the IEP or did not have the understanding or self-advocacy to ask for an accommodation. This was further complicated by the lack of any IEP meeting during the 2024-2025 school year to discuss and refine the accommodations. There were several Notices of Meeting, email exchanges and interviews that showed that the IEP team did not meet during the 2024-2025 school year. Documentation was collected in at least two of the student's classes showing that accommodation were offered to the student and that the student declined. The paraeducators reported that they often sought out students to problem solve with the student how to implement the accommodations.

In another case the district identified two instances where an accommodation was not provided but quickly corrected the error.

It is beyond the role of the investigation to determine if the student needs instruction in how to ask for and use accommodations and whether the student should be allowed to decline. This

is the role of the IEP team and should be recorded in the duration, frequency, and location of the accommodations. In summary, it is found that the district committed a procedural error by not including the duration, location and frequency and *is OUT of compliance for not implementing the student's accommodations*.

In regard to implementation of the literacy goals it is found that the staff were able to describe how the literacy goals were taught. The staff described lessons, materials, and how the literacy skills were supported in the general education classes. The location of instruction and student schedule was consistent with what the IEP services indicated. Progress goals showed that the student improved in literacy skills. Based on review of the services written into the IEP, descriptions of how the goals were taught and data from the progress reports it is found that the district *is IN compliance with implementing the literacy goals and services*.

Issue Two

Did one of the student's teachers disclose personally identifiable information about the student to other students during the 2024-2025 school year?

Applicable Law

Federal regulations at 34 C.F.R. §§300.610 through 300.626 identify the confidentiality requirements that apply to children under Part B of the IDEA. They protect the personally identifiable information (PII) in education records collected, maintained, or used under Part B of the IDEA. 34 C.F.R §300.32 defines PII as information that contains the name of the child, the child's parent, or other family member; the address of the child; a personal identifier, such as the child's social security number or student number; or a list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

Under 34 CFR § 300.622(a) of the IDEA Part B regulations, parental consent must be obtained before PII is disclosed to parties, other than officials of participating agencies. Under IDEA Part B and pursuant to the FERPA regulations at 34 CFR § 99.31(a)(1), prior written consent is not required to disclose PII from student education records to school officials, including teachers, within the educational agency or institution, whom the agency or institution has determined to have legitimate educational interests. 34 C.F.R. § 99.31(a)(1)(i)(A).

Unless the district has parent consent, or a FERPA exception applies, a district must prevent the disclosure to any unauthorized person of personally identifiable information from student records. Disclosure is the release, transfer or other communication of records, or the personally identifiable information contained in those records, to any party, by any means, including oral, written, or electronic.

Parent Position

The parent alleged in the complaint that the student's "[general education] teacher was bragging to another class about not giving a dyslexic student [student's] accommodations (specifically shortening [student's] assignments) because [student] wouldn't work in class. [General education teacher] was very clearly referring to [student] and the other students happened to be friends of [student] and told [student]. The teacher even referenced where [student] sat in the class."

District Position

The district responded that the teacher did not know what the parent was referring to with the allegation and the district does not have any written documentation regarding the allegation. When approached with the allegation the teacher stated that [teacher] does not share confidential information with students about other students.

Analysis: Findings of Fact

The findings of Issue One are incorporated herein by reference.

The investigator interviewed the general education teacher on April 9, 2025 who denied the allegation stating that it would be highly unprofessional to speak of another student in front of other students. The teacher further stated during the interview on April 9, 2025 that if speaking with other staff about a student's assignments, accommodations, or behavior that that conversation would occur outside of student class hours.

The mother of the classmate who reported hearing the teacher disclose personally identifiable information stated her child had not told her about the incident. The classmate's mother stated that her child overheard the reported statements as the teacher was talking to another staff approximately one week before the complaint was filed. The mother reported that after hearing the statements her child repeated the statement to the student who then reported it to the complainant.

The investigator talked with two paraeducators who work in the teacher's class. In response to being asked what they do when they need to discuss a student with a general education teacher they reported they step out into the hallway. They stated that at the beginning of the semester during a professional development day they go over how to support the students and receive the IEP at a glance to learn what each student needs. They additionally reported they had not personally overheard any teachers talking with any student or teacher about any other student.

The complainant said that her student came to her and stated what the classmate said. The complainant said that her belief was that the teacher made the statement to students, not adults and is not sure if other adults are assigned to work in the classroom. The complainant said she did not report the incident to anyone at the school because she was already

considered a troublemaker in the school and did not think it would be taken seriously. The parent stated she thought the teacher was a good teacher but was no longer helping her child. The accommodation log for the content area dated from September 13, 2024 through April 14, 2025 documents that accommodations were offered.

Conclusion

The investigation of this issue was conducted entirely through interview. The issue was complicated as the allegation were made through a thirdhand report and the disclosure was reported between minors (student and classmate). The investigator determined to not interview the minor classmate and instead interview the classmate's mother to ensure the classmate's identity was not disclosed. The conclusion for this allegation was investigated with two goals, 1) was personally identifiable information disclosed and 2) was the disclosure related to the teacher not providing accommodations. All persons interviewed were highly credible and believable so it was difficult to singularly determine if personally identifiable information was disclosed from the interviews. Since the issue was related to disclosing personally identifiable information about not providing accommodations the accommodation log was used to determine if accommodations continued to be offered following the timeframe that the statement was alleged to be made. As the accommodation log demonstrated that accommodations continued to be offered during the entire school year the investigator found that the district *is IN compliance* with IDEA regulations.

Summary of Conclusions/Corrective Action

ISSUE ONE: A violation of 34 C.F.R. §300.323(c)(2); K.A.R. §91-40-16(b)(2) was found, based on the facts above. Corrective action is required.

1. By May 30, 2025 USD #229 shall submit a written statement of assurance to Special Education and Title Services (SETS) stating that it will comply with state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA) at 34 C.F.R. §300.323(c)(2); K.A.R. §91-40-16(b)(2) and K.S.A. 72-3429(c)(7) by implementing the student's IEP and including the projected date for the beginning of the services and modifications described in provision and the anticipated frequency, location, and duration of those services and modifications.
2. By the start of the 2025-2026 school year the district shall convene an IEP meeting with the student's IEP team to review each instructional and testing accommodations and include the required accommodations and include the projected date for beginning services, anticipated frequency, location, and duration for each. Additionally, the IEP team should discuss whether the student needs instruction on how to self-advocate for and use accommodations. The revised IEP/amendment and prior written notice shall be provided to Special Education and Title Services (SETS) within one week after the IEP meeting.

ISSUE TWO: A violation of 34 C.F.R §300.32; 34 C.F.R. §§300.610 through 300.626 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)