

KANSAS STATE DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND TITLE SERVICES

REPORT OF COMPLAINT
FILED AGAINST
UNIFIED SCHOOL DISTRICT #385
ON MARCH 31, 2025

DATE OF REPORT: APRIL 30, 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 #385, Andover Public Schools. In the remainder of the report, the “School,” the “District,” and the “local education agency (LEA)” shall refer to USD #385.

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 March 31, 2025, and the 30-day timeline ended on April 30, 2025.

Allegations

The following four issues will be investigated:

ISSUE ONE: Whether USD #385 conducted evaluations of the Student and made eligibility determinations in accordance with state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA). K.A.R. 91-40-8, K.A.R. 91-40-9, K.A.R. 91-40-10(a)(1); 34 CFR §§ 300.8, 300.303-306.

ISSUE TWO: Whether USD #385, in accordance with state and federal regulations implementing the IDEA, offered the Student the least restrictive environment for their unique needs. K.S.A. 72-3420(a), K.A.R. 91-40-21; 34 C.F.R. § 300.116.

ISSUE THREE: Whether USD #385, in accordance with state and federal regulations implementing the (IDEA, offered an appropriate IEP that met the needs of the Student, K.S.A. 72-3429, K.A.R. 91-40-18; 34 CFR § 300.320.

ISSUE FOUR: Whether USD #385, in accordance with state and federal regulations implementing the IDEA, provided the Parent with IEP progress reports. K.A.R. 91-40-16(b)(3), K.S.A. 72-3429(3); 34 C.F.R. § 300.323.

Investigation of Complaint

The Complaint Investigator, interviewed the Parent by telephone on April 22, 2025. The following District staff were interviewed on April 15, 2025:

The Assistant Director of Special Education,
The Special Education Resource Teacher,
The Speech Language Pathologist, and
The Vision Specialist.

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:

1. Email, re: Request IEP Meeting to finalize Label, Assistive Tech., Access to FAPE, 02/11/2025-02/28/2025
2. Email, re: [the Student] IEP Meeting Feb 3, 2025, 02/03/2025-02/05/2025
3. Email, re: Requesting Functional Vision Assessment for Education Access, 08/19/2024-08/22/2024
4. Email, re: Amendment Paperwork, 08/23/2024
5. Email, re: Request Contact Information for Teachers for [the Student], 08/19/2024
6. Email, re: Request for IEP Meeting: [the Student], 08/23/2024-08/31/2024
7. Email, re: [the Student]: Short Clips 1 of 3, 09/08/2024
8. Email, re: Video for Homework Document, 09/11/2024
9. Email, re: CVI Diagnosis [the Student], 10/01/2024-10/04/2024
10. Email, re: Evaluating [the Student], 10/25/2024
11. Email, re: Videos, 10/08/2024
12. Email, re: LVCC+ Appointment Confirmation, 10/14/2025
13. Email, re: Eye Gaze Results, 11/04/2024-11/05/2024
14. Determination Meeting and IEP Meeting, 04/16/2024-04/18/2024
15. Parent Requested IEP Meeting, 02/03/2025
16. Team Meeting Notes, 05/22/2024
17. Team Meeting Notes, 09/06/2024
18. Team Meeting Notes, 08/12/2024
19. Team Meeting Notes, 12/12/2024
20. Team Meeting Notes, 11/22/2024
21. Determination Meeting and IEP Meeting, 04/16/2024
22. Low Vision Collaboration Clinic +, Eye Report, 10/24/2024
23. Individualized Education Program, 09/06/2024

24. Rubric for Determining Student Eligibility for KS Alternate Assessment (DLM) for Students with the Most Significant Disabilities, 04/16/2024
25. Progress Report, 12/12/2024
26. Team Meeting Notes, 02/03/2025
27. Progress Report, 04/16/2024
28. Individualized Education Program DRAFT, 12/12/2024
29. Letter, re: Invitation to IEP Meeting, 04/16/2024
30. Team Meeting Notes, 12/12/2024
31. Team Meeting Notes, 05/22/2024
32. Individualized Education Program, 04/16/2024
33. Amendment IEP, Amendment Date 08/12/2024, Initiation Date 09/06/2024
34. Present Levels of Academic and Functional Performance, 04/16/2024
35. Eligibility Determination, 04/16/2024
36. Student Information Sheet - DLM, 04/16/2024
37. Kansas Department of Education Alternate Assessment Notification, no date

Background Information

This investigation involved a seventeen-year-old student enrolled at Andover Central High School (School) and Erin Is Hope Foundation Private School (Private School), in USD #385. The Student is currently receiving special education or related services as a child with a multiple disability per the IDEA. In the fall of 2024, the Student was diagnosed as legally blind from ophthalmologist and optometrist evaluations. Beginning in pre-school, the Student had received special education services for speech and language. The first IEP meeting for the Student at the School was held in April 2024. The Student was found eligible for a Multiple Disability, which the Parent did not agree with. The Parent wanted the Team to consider Traumatic Brain Injury, Learning Disability, or Other Health Impaired. The Student received services in the resource room for writing and math and received reading and English services at the Private School. The Student received direct speech/language services at the Private School and consultative speech services at the School. The Student lives at home with their Parent.

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. The Student is seventeen years old, in the 9th grade, and attends the District four hours a day and the Private School for three hours a day.
2. On April 16, 2024, the Student was found eligible for special education services under the category of Multiple Disabilities (MD). The Student was found eligible for

Vision Impairment (VI) on December 12, 2024. The Student was diagnosed with Cerebral Palsy, Global Hypotonia, Epilepsy, Apraxia, apnea, and visual impairment.

3. Relevant items from the IEP dated April 16, 2024 indicated the following:
 - a. The Student's exceptionality of multiple disabilities "will impact [the Student's] ability to access the general education curriculum across all academic areas when [the Student] is expected to perform age-appropriate skills including reading, math, and writing," as compared to peers.
 - b. The Student's Present Levels of Academic and Functional Performance included:
 - i. The overall Nonverbal Index score was in the extremely low range according to the Wechsler Intelligence Scale for Children Fifth Edition (WISC-V). Scores for Fluid Reasoning, Visual-Spatial Index, Working Memory, and Processing Speed were also in the extremely low range when compared to peers.
 - ii. Student Strengths: The Student is respectful, very friendly, eager to learn, and likes to engage in conversation.
 - iii. Parent Input: The Parent reported "no big concerns with hearing/vision." The Parent reported no seizures for five years and had noticed occasional tics. No other concerns were noted by the Parent.
 - iv. Social Emotional: The Student "struggles to initiate friendships and carry a conversation about a specific topic for three or more minutes."
 - v. Communication: The Student "continues to demonstrate delays which fall well below those of [the Student's] same aged peers." According to the Clinical Evaluation of Language Fundamentals, 5th Edition, (CELF-5), the Student's scaled scores in all areas fell well below the average range, except on the Understanding Spoken Paragraphs.
 - vi. Motor: The Student will receive physical education instruction with modified activities to meet the Student's physical ability.
 - vii. Reading: The Student successfully read 1st grade material, using the text as a resource for comprehension, understanding at a higher level when presented auditorily. The Wechsler Individual Achievement Test-4 (WIAT-4) word reading- 2%ile, Listening Comprehension - 2nd %ile, and Receptive Vocabulary - 8th%ile.
 - viii. Written Language: The Student "needs repetition of foundational writing skill, writing simple sentences." The WIAT-4 writing scores were Spelling - .05 %ile and Sentence Composition - < 0.1 %ile.
 - ix. Math: The Student needs "mastery of foundational skills for subtraction, identifying & counting money, time, [and] rote counting." The WIAT-4 indicated:
 1. Mathematics score - < 0.1 %ile, Extremely Low.

2. Math Problem Solving - <0.1%, Extremely Low.
3. Numerical Operations - 0.1%, Extremely Low.
- x. Adaptive Behavior: The Student needed to understand procedures for contacting services in an emergency situation, advocating for themselves, initiating with an adult or peers, counting money, and cooking measurements. According to the Adaptive Behavior Assessment System -Third Edition (ABAS-3), the Educational Environment Rating indicated General Adaptive Composite—5th %ile.
- c. The Student's goal for reading was, "By April 15, 2025, [the Student] will be able to read a 2nd grade reading passage with support with a read-aloud measured by 2nd grade reading curriculum answering 18 out of 23 comprehension and sequencing questions with a 80% accuracy."
- d. The Student's goal for written language was, "By April 15, 2025, [the Student] will be able to write a simple sentence using three to five words with capital letters and ending punctuation measured by worksheets in 4 out of 5 with 80% accuracy."
- e. The Student's goal for math was, "By April 15, 2025, [the Student] will be able to add and subtract single digit numbers up to 20 using a number chart measured by teacher-made worksheets and activities in 8 out of 10 opportunities with an 80% accuracy."
 - i. Benchmark 1: "[The Student] will be able to write all personal information inclusive of address and phone number in 4 out of 5 opportunities with support."
- f. The Student's goal for Employability was, "By April 15, 2025, [the Student] will be [able to] build employability and life skills measured by teacher-made worksheets and computerized standard based curriculum in 7 out of 10 opportunities with 70% accuracy."
- g. The Student's goal for adaptive behavior was, "By April 15, 2025, [the Student] will initiate appropriate peer interaction measured by teacher observation with data collection in 4 out of 5 opportunities with an 80% success rate." (D119)
- h. Transition Services:
 - i. Record 1: Self-Advocacy Questionnaire - not completed - 4/10/2024.
 - ii. Record 2: Student Transition Survey:
 1. Strengths - Very social and active within the community.
 2. Needs - Daily Life and Employability Skills.
 3. Interests - Music, computers, outside activities.
 4. All include the dates of 04/10/24.
- i. Special Education and Related Services:

- i. Speech Services - Starting 04/16/2024 through 4/15/2025, 15 minutes per week, every fourth week - Location - indirect/consult Services/Speech-Language support.
- ii. Special Education Services - Starting 08/14/2024 through 04/15/2025, 50 minutes, five days per week - Location - regular education classrooms with special education support - during content/activity of social studies.
- j. The following Accommodations/Modifications/Supplementary Supports were listed with the location "General and special education classroom," a start date of September 6, 2024, and an end date of April 15, 2025.
 - i. Record 1: "Read aloud using human or computer-generated voice."
 - 1. Frequency: "When given an assignment, test, or quiz with a reading passage to encourage comprehension."
 - 2. Duration: "The time given for the assignment, quiz, or text."
 - ii. Record 2: "Separate/quiet environment for working on assignments and testing."
 - 1. Frequency: "When given a test or assignment."
 - 2. Duration: "The time needed to complete the assignment or text."
 - iii. Record 3: "Visuals will be provided to communicate directions, schedule or other instructions."
 - 1. Frequency: "When given directions, schedule, or instructions to encourage independence."
 - 2. Duration: "The time needed to understand the task by interpreting the visuals."
 - iv. Record 4: "All assignments, tests, or quizzes will be shortened and broken into smaller pieces and modified by 50% to that of peers the same age."
 - 1. Frequency: "When given assignments, tests, or quizzes."
 - 2. "The time needed to complete the test, quiz, or assignment."
 - v. Record 5: "Extra time will be provided for [the Student] to complete tests, quizzes, assignments, or assessments in collaboration with the general education and special education teacher."
 - 1. Frequency: "When given a test, quiz, assignment, or assessment."
 - 2. Duration: "For the duration of the assignment, test, or assessment."
 - vi. Record 6: "Word predictions will be provided through technology or written prompts."
 - 1. Frequency: "When working on classroom assignments, tests, quizzes, or assessments."
 - 2. Duration: "For the duration of the assignment, test, or assessment."

- vii. Participation with Non-Disabled Students in the Regular Education Environment:
 - 1. The Student will not have the opportunity to participate with non-identified peers in all general education classes.
 - a. Explanation: "Due to [the Student's] cognitive ability being significant[ly] lower than peers of the same age, [the Student] will have all core classes and life skills classes in the special education resource classroom."
 - 2. The Student will not participate in the same general education curriculum as non-identified peers.
 - a. Explanation: "[The Student's] curriculum will be adapted to meet [their] cognitive ability and needed life skills which will be met in the special education resource classroom."
 - 3. The Student will have the opportunity to participate in field trips, assemblies, special events, etc., to the same extent as their non-identified peers.
 - a. Explanation: "Regularly scheduled special education and related services may not occur during these times."
- k. Assessment: The Student will take the DLM/Alternate assessment.
 - i. Reason: "[The Student] has a significant cognitive disability which makes the alternate assessment more appropriate to [the Student's] learning needs. [The Student] also requires extensive direct individualized instruction and substantial supports to achieve measurable gains in the grade-and-age appropriate curriculum."
- l. Assistive Technology: "The IEP team has determined that [the Student] does not require assistive technology at this time."
- m. Progress Reports: "Parents will receive written progress reports at the same time intervals and in the same manner as general education. The progress report will address the [S]tudent's progress toward completion of IEP goals and objective/benchmarks."
 - i. Goal 1 Health: "By December 12, 2025 when asked by a staff member in the educational environment, [the Student] will be able to explain [their] eye condition and needed accommodations 75% of the time."
 - 1. Baseline: "[The Student] can explain [their] eye condition and needed accommodations 0% of the time."
 - 2. Progress: The goal had not yet been addressed with [the Student] due to being a new goal. Progress report emailed on 12/20/2024.
 - ii. Goal 2 Written Language: "By December 12, 2025, [the Student] will be able to write a simple sentence using three to five words with capital

letters and ending punctuation measured by worksheets in 4 out of 5 with 80% accuracy."

1. Baseline: "[The Student] is able to write two to three words and develop a simple sentence without correct spelling or punctuation independently. With support, [the Student] is able to write the sentence with 80% accuracy.
 2. Progress: Due to [the Student] not attending the brick and mortar building for English, this goal has not been measured." The progress report was emailed on 12/20/2024.
- iii. Goal 3 Adaptive: "By December 12, 2025, [the Student] will initiate appropriate peer interaction measured by teacher observation with data collection in 4 out of 5 opportunities with an 80% success rate."
1. Baseline: "[The Student] currently interacts with [their] peers with simple conversation when initiated by [their] peer, but [the Student] struggles to initiate appropriate on-going conversations with [their] peers 6 out of 10 opportunities at a 60% success rate." Teacher observations will measure progress.
 2. Progress: "[The Student] has a good group of friends for lunch which [the Student] has a peer that will help assist in appropriate conversation and word choices. When in the classroom, [the Student] will ask for word choices when having a conversation when [the Student] is unable to find the word that [the Student] needs to continue the conversation. [The Student] can be impulsive in conversation at times when [the Student] wants to participate in conversations, but is unsure how to enter into the conversation. Status - maintained performance at 60%, emailed to Parents on 12/20/2024."
- iv. Goal 1 Math: "By April 15, 2025, [the Student] will be able to add and subtract single-digit numbers up to 20 using a number chart or touch math tool measured by teacher-made worksheets and activities in 8 out of 10 opportunities with an 80% accuracy."
1. Baseline: "[The Student] is able to add single digit numbers under ten with inconsistencies. [The Student] will add single digit subtraction problems instead of subtracting."
 2. Progress: "[The Student] was able to add single digits given a touch math worksheet with the support of a touch math strip. ... [The Student] was working on double-digit touch math addition with regrouping. [The Student] required one-on-one support. Progress was made toward [the] goal, emailed to Parents on 05/18/2024."

- v. Goal 2 Reading: "By April 15, 2025, [the Student] will be able to read a 2nd grade reading passage with support with a read-aloud measured by 2nd grade reading curriculum answering 18 out of 23 comprehension and sequencing questions with 80% accuracy."
 - 1. Baseline: "[The Student] is currently performing at the following levels according to the WIAT-4:
 - a. Word Reading - 0.2%ile, extremely low.
 - b. Listening Comprehension - 2nd %ile, extremely low.
 - c. Receptive Vocabulary - 8th %ile, low.
 - 2. Progress: Progress was made. "[The Student] completed two assignments in the 100% Reading: Decoding & Word Recognition Book 1. ... [The Student] successfully completed assignments on [their] chromebook." Progress emailed to Parents on 05/18/2024.
 - vi. Goal 3 Written Language: "By April 15, 2025, [the Student] will be able to write a simple sentence using three to five words with capital letters and ending punctuation measured by worksheets in 4 out of 5 with 80% accuracy."
 - 1. Baseline: "[The Student] is able to write two to three words and develop a simple sentence with and without making sense."
 - 2. Progress: Progress was made. "[The Student] was able to copy a sentence, but struggled to put together [their] own sentence." Progress emailed to Parent on 05/18/2024.
 - vii. Goal 4 Adaptive: "By April 15, 2025, [the Student] will be build employability and life skills/telling [time] using a digital clock by the hour and identifying coins and values to a quarter measured by teacher made worksheets and computerized standard base curriculum in 7 out of 10 opportunities with 70% accuracy."
 - 1. Baseline: "[The Student] is unable to identify coins and their value. [The Student] is unable to read a digital clock at home."
 - 2. Progress: Progress was made. "When given worksheets with analog clocks to the hour only, [the Student] was able to answer 7 out of 10 opportunities with 100% accuracy." Progress report emailed to Parents on 05/18/2025.
 - n. Meeting notes indicated all required IEP participants attended, including the Parent. The Parent asked about paraprofessionals. The Assistant Director of Special Education discussed paraprofessional needs in the buildings and discussed alternative graduation plans due to credits.
4. According to a Moby Max Mathematics score summary sheet dated May 17, 2024, the Student's overall grade level score was at the 11th percentile for Operations and Algebraic Thinking, Number and Operations in Base Ten, and Geometry.

5. According to Meeting Notes dated May 22, 2024, which the Parent attended, the Special Education Resource Teacher discussed the Student's progress and performance, reviewing each section of the Progress Report with the Parent.
6. On August 19, 2024 the Parent emailed the Special Education Resource Teacher that the Student had been struggling with Cortical Visual Impairment (C.V.I.) for a long time. The Parent had scheduled the Student to see a vision specialist. The Parent also asked how the Student was doing in school, specifically World Geography.

"By April 15, 2025, [the Student] will initiate appropriate peer interaction measured by teacher observation with data collection in 4 out of 5 opportunities with 80% access rate. ... Modification of test and quizzes will be shorten[ed] to multiple choice at 50% and number of questions will be shortened to allow for completion of tests and quizzes."

7. On August 22, 2024 the Parent emailed the Special Education Resource Teacher information regarding observing the Private School President working with the Student on writing exercises at the Private School. The Parent felt the observation would help the Student with appropriate accommodations and access to the curriculum. The Special Education Resource Teacher responded by telling the Parent the Student was finding their way to classes with the help of a visual schedule. The Special Education Resource Teacher asked if the Parent had reviewed the IEP amendment that allowed the Special Education Resource Teacher to adjust the Student's minutes and adjust goals according to the class environment.
8. In an email exchange between the Parent and the Special Education Resource Teacher dated August 23, 2024, the Parent requested to schedule an IEP meeting because the Student didn't have anyone in the classroom to assist the Student, according to the Parent. The Parent didn't agree with the ID label, the Student needed a para pro or agreed upon support, and health and safety concerns were noted. The Assistant Director of Special Education responded on August 28, 2024, that they would happily schedule a meeting that fits the reconvening time set from the previous meeting. The Assistant Director of Special Education noted the Parents concern and asked them questions to assist them at the meeting.

The Parent responded regarding immediate concerns about the Student's health and safety per Epilepsy. The Student had been on a ketogenic diet that had seemed to help. The Student had some intermittent partial seizures in the past 18 months. The Parent stated that the Student was receiving low levels of Trileptal again and monitoring it. The Parent assumed the staff at the School was also monitoring the Student.

9. On August 29, 2024 the Special Education Resource Teacher emailed the IEP Team regarding a proposed meeting agenda:
 - a. Review services as proposed in the amendment.
 - b. Review data/observations regarding classroom supports and hallways.

- c. Determine needs.
 - d. Review the Student's credits and graduation plan.
 - e. Review the exceptionality.
 - f. Review other issues, such as health.
- 10. In an email exchange between the Parent and the District Vision Specialist dated September 8, 2024, the Parent sent a video of the Student and a teacher working on reading and writing. The Parent stated the Student fatigues easily when working on visual tasks.
 - 11. On September 11, 2024 the Special Education Resource Teacher emailed the Parent a video for the Student and the Parent to watch, which explained how to get homework documents in Google Classroom with log-in information.
 - 12. The Parent emailed the Special Education Resource Teacher on October 1, 2024, saying, "Please let me know that you've received my request to have Vision added to [the Student's] IEP and to have an FVE performed." The Vision Teacher responded that they did receive the email and gave the Parent information regarding a low vision clinic.
 - 13. On October 23, 2024, the Principal emailed the Parent, "The IEP Team is comprised of the school, yourself, and the [staff from the Private School]. You are part of the team and were part of the decisions that were made for [the Student]. ... You continue to mention a para. [W]hen [the Student] first came to [the School], you told us [the Student] didn't need any support. At our August meeting, the need for a one-on-one para was discussed and was not presented until after that meeting." The Principal explained that the general education teachers indicated the Student was doing well and that the Student was getting direct support in World Geography."
 - 14. A Low Vision Eye Report dated October 24, 2024 indicated the Student had Cerebral/cortical visual impairment (CVI) and proptosis in the left eye, with a systemic diagnosis of periventricular leukomalacia. The Student met the definition of legally blind. Vision acuity is 20/200 or less in the better eye with the best correction. Recommendations included:
 - a. Environment: "Decrease complexity, simplify, may have difficulty running into things on the left side. This would need assessment in the environment."
 - b. Visual Material: "Decrease clutter. This may mean fewer problems on a page, more spacing, increased font size, sans font. Give [the Student] plenty of time to complete a task as it may take [the Student] longer than peers because of the CVI."
 - c. Activities of Daily Living: "Monitor for O & M needs used CVI strategies."
 - d. Communication: "The Student is a good communicator! [The Student] should be encouraged to advocate for [themselves]."
 - e. Orientation and Mobility: "To be determined by team after assessment, with the left field neglect should consider assessment at school and community."

- f. Glasses: "[The Student] has been using readers + 1.25. This may help with crowding that [the Student] would have from CVI. The glasses magnify. It is okay to use if [the Student] feels it helps [them]."
- g. Evaluations for Team Consideration:
 - i. "Medical workup for the proplosis is in progress under [the Vision Physician's] recommendation with [the Student's] PCP."
 - ii. "Visual field testing may be useful, however, with the eye gaze showing left neglect, and knowing [the Student] has PVI, [it's] not essential at this time."
 - iii. "Team should review the evaluation from the questionnaire from [the Research Group] on HFQVI. It may have some recommendations of strategies. [The Student's] Parents would have the report."
- 15. On October 25, 2024 the Special Education Resource Teacher emailed the IEP team to update them regarding the vision evaluation and OT evaluation progress for the Student.
- 16. On November 4, 2024 the Vision Physician emailed the Vision Teacher the following:
 - a. "[The Student] has PVI (periventricular leukomalacia) from in utero, documented by MRI at age 5 days. This certainly explains why [the Student] has CVI. It is the most common CVI."
 - b. "In reviewing the eye gaze, there is left-sided neglect of the visual field. This could be related to the PVL."
 - c. It is hard for the family to come to [the City] just for a visual field. I'm not sure at this time [sic] urgent, as we have evidence to diagnose CVI, and also make some intervention strategies based on information and evaluations to date."
 - d. "There are some other ocular/medical issues that are being evaluated. I don't believe it is part of the CVI."

The Special Education Resource Teacher responded requesting any information that would benefit the Student concerning the CVI or other vision impairments.
- 17. On November 7, 2024, the Parent emailed the Principal and requested a working copy of the Student's IEP.
- 18. On December 2, 2024, the Special Education Resource Teacher emailed the Parent to set up an IEP meeting concerning the Student's second-semester schedule and possible modifications concerning the preparation of materials for vision.
- 19. On December 6, 2024, the Vision Teacher emailed the Parent regarding the Student's possible overstimulation signs in the hallways and what that would look like. The Vision Specialist indicated, "I asked [the Student] what [they] thought of the hallways during passing period and all [the Student] said was "traffic." I asked [the Student] if [they] would rather leave at a different time when the hallways are clear and [the Student] emphatically said, "no." The Vision Specialist also requested to schedule a tint evaluation for sunglasses for the Student.

20. A Draft IEP dated December 12, 2024 indicated the Student was given a Functional Vision Assessment/Learning Media Assessment and a CVI Assessment from September 4, 2024, through November 13, 2024. Assessment results indicated the Student's "main diagnosis of visual impairment is CVI. ... [The Student] met the definition of legally blind because [the Student's] visual performance is reduced by brain injury or dysfunction when visual function meets the definition of blindness as determined by an eye care specialist."

The Student was able to process the following visual information:

- a. Object recognition: Using CVI Complexity Sequencing Cards, the Student could locate the basketball in all cards but had a delayed answer with the last two cards because the item changed location.
- b. Motion: In PE, the Student could visually follow the ball moving at various speeds/directions. Movement was not needed to get the Student's attention unless it was out of the Student's field of vision.
- c. Letter/words: The Student could read the Arial font 14 faster and without skipping lines than the Student did on size 10, 12, and 16.
- d. Facial recognition: The Student identified familiar people from at least 15 feet away, as evidenced by recognizing staff when they walked into the classroom.
- e. Assistive Technology: The Student had access to a Chromebook issued by the School District. The Student used Google Classroom, assignments, quizzes, tests, and research. The Student could manage the Chromebook and could enlarge material on the screen by using the trackpad but prefers a mouse. The Student had access to a computer with a large monitor in Photojournalism class but did not use it. The Student had access to a smartphone and could text on the phone. "This is an area of need for [the Student]. It is always helpful to have multiple tools to the assistive technology toolbox and be able to use multiple applications on a particular device."
- f. Career Education: "This is an area of need for the Student. [The Student] has opinions and interests but does not know how to find possible training or jobs that match [the Student's] interest. This can be addressed by school staff."
- g. Compensatory Skills: "[The Student] communicates verbally. [The Student] handwrote the answers to [their] assignments. [The Student] does best when a line is provided. Sometimes it helps to highlight the space [the Student] is to write in. ... [The Student] is a visual and auditory learner as evidenced by observations in the classroom. [The Student's] area of need in this area would be to determine which assignments would be better to listen or which would be better to read."
- h. Sensory Determination: "[The Student] uses [their] glasses for near work."
- i. A health plan was provided to teachers with whom the Student worked.
- j. Summary: "Based on interviews, observations, review of records and formal testing, [the Student] demonstrates a need for support from a Teacher of

Students with Visual Impairments through consultation with the team, accommodations in the classroom and specialized instruction in the areas of Assistive Technology, Career Education, Self Determination, and Sensory Efficiency in the Expanded Core Curriculum.” (D135)

- k. Eligibility: “Under current Kansas State Department of Education guidelines, based upon ophthalmologist/optometrists reports, the need for educational adaptations for learning, and the educational significance of the visual impairment, [the Student] does qualify for services under the category of visual impairment.”
- l. Assistive Technology recommendations:
 - ii. Provide an external mouse to use with the computer.
 - iii. Chromebook with a 14-inch screen.
 - iv. Provide high-contrast/color-coded stickers for the keyboard.
- m. Accommodations to print materials:
 - i. Print assignments should be provided in size 14 Arial font.
 - ii. Utilize orange or blue highlighting to color-code reading materials.
 - iii. Provide a line to write on when answering questions.
 - iv. Reduce visual clutter by adding extra spaces between lines on assignments.
 - v. Provide extra time on assignments.
- n. Instruction and Consultation:
 - i. Consultation services from the TSVI once every other week.
 - ii. Direct instruction from the TSVI once every other week to address the needs in the Expanded Core Curriculum.
- o. The Student’s IEP goal for Vision was “By December 12, 2025 when asked by a staff member in the educational environment, [the Student] will be able to explain [their] eye condition and needed accommodations 75% of the time.”
 - i. Baseline: “[The Student] can explain [their] eye condition and needed accommodations 0% of the time.”
 - ii. Evaluation Procedures: Teacher-made checklist.
- p. Social Emotional: The Student’s behavior does not impede the learning of others or self.
- q. Communication: The Student underwent a re-evaluation of their communication skills in the fall of 2024. Language Assessment results included:
 - i. The Clinical Evaluation of Language Fundamentals-Fifth Edition (CELF-5) Core Language 43 SS, <1%. Receptive Language Index 48SS <1%, Expressive Language Score 45SS <1%, Language Content Index 47SS <1%,
 - ii. Formulated Sentences:
 - 1. Strengths: using nouns, pronouns, prepositions.
 - 2. Weaknesses: using verbs, adjectives, and adverbs.

- iii. Recalling Sentences:
 - 1. Strengths: recalling basic sentence structures in shorter tasks.
 - 2. Weaknesses: recalling basic sentence structures in longer tasks and more complex structures.
- iv. Understanding Spoken Paragraphs:
 - 1. Strengths: responding to questions about basic stories.
 - 2. Weaknesses: responding to questions about more complex story sequences and inferences and responding to questions about a story's main idea, detail, and event prediction.
- v. Sentence Assembly:
 - 1. Strengths: creating a basic sentence when given a limited set of words/word sets.
 - 2. Weaknesses: creating more than one sentence or creating more complex sentences when given an increased number of words/word sets, which included multiple elements and structures of language.
- vi. Pragmatic Profile:
 - 1. Strengths: following conversational rituals, participation, giving or asking for information, understanding or expressing intentions, reading and using body language.
 - 2. Weaknesses: understanding humor, awareness of prosodic cues, and sharing or responding to reactions.
- vii. Vocabulary: The Peabody Picture Vocabulary Test (PPVT-5) 71 SS 3 %ile.
- viii. Articulation: The Goldman Fristoe Test of Articulation-Third Edition (GFTA-3) 40 SS, <1%ile.
 - 1. The Student's "functional intelligibility during this assessment period was judged to be good with familiar and unfamiliar listeners in the educational setting.
- ix. The Student had received services for many years in the "private realm" for communication delays. "The Student does not have any special communication needs," according to the updated IEP. The Private School Speech Therapist indicated the level of aphasia the Student has: "known words are difficult for [the Student] under pressure of the moment to produce."
- x. The Parent indicated the Student had motor aphasic speech. The Parent stated that they had never seen the Student skip or gallop as reported in the Physical Therapy evaluation.
- xi. Motor: Based on the most recent evaluation and ongoing data collection, the Student does not have needs in the Motor area that require special education or related services.
- xii. The Student uses their finger to track when writing.

- r. Math: The IEP indicated the Student was receiving math services at the Private School. "[The Student's] math needs are being supported at [the Private School]. (
- s. Reading: The IEP indicated the Student was receiving reading services at the Private School. "[The Student's] English/reading needs are being supported at [the Private School]."
- t. The Student's goal for written language was as follows: "By December 12, 2025, [the Student] will be able to write a simple sentence using three to five words with capital letters and ending punctuation measured by worksheets in 4 out of 5 with an 80% accuracy." The Parent asked about paraprofessional support for English. The Special Education Resource Teacher responded, "Yes. Right. At this point in time, I mean, we're trying to."
 - i. Baseline: "[The Student] is able to write two to three words and develop a simple sentence without correct spelling or punctuation independently. With support, [the Student] is able to write the sentence with 80% accuracy."
 - ii. Benchmark 1: "[The Student] will be able to write all personal information inclusive of address and phone number in 4 out of 5 opportunities with support."
- u. The Student's goal for Adaptive Behavior was, "By December 12, 2025, [the Student] will initiate appropriate peer interaction measured by teacher observation with data collection in 4 out of 5 opportunities with an 80% success rate."
 - i. Baseline: "[The Student] currently interacts with [their] peers with simple conversation when initiated by [their] peer, but [the Student] struggles to initiate appropriate ongoing conversation with [their] peers 6 out of 10 opportunities at a 60% success rate."
- v. Transition Services:
 - i. Transition Assessment
 - 1. Record 1: Student Interest Inventory.
 - a. Strengths: "[The Student] enjoys helping out working with other people."
 - b. Needs: "[The Student] needs assistance in job exploration, life skills, and understanding possible options as [the Student] enters into adulthood."
 - c. Interests: "[The Student] enjoys socializing with [their] peers. [The Student] enjoys listening to music and being creative in the area of drawing and painting. 12/10/2024."
 - 2. Record 2: Self-Advocacy Questionnaire - was not completed, 04/10/2024.

3. Record 3: Student Transition Survey.
 - a. Strengths: "Very social and active within the community."
 - b. Needs: "Needs Daily Life and Employability Skills."
 - c. Interests: "Music, computers, outside activities. 04/10/2024."
- w. The Student's goals for the Desired School Outcome were,
 - i. "By December 12, 2025, [the Student] will be able to write a simple sentence using three to five words with capital letters and ending punctuation measured by worksheets in 4 out of 5 with an 80% accuracy."
 - ii. "By December 12, 2025, [the Student] will initiate appropriate peer interaction measured by teacher observation with data collection in 4 out of 5 opportunities with an 80% success rate." According to meeting notes, the Student sits with other students at lunch and attends extracurricular activities with them.
 - iii. "By December 12, 2025 when asked by a staff member in the educational environment, [the Student] will be able to explain [their] eye condition and needed accommodations 75% of the time."
- x. Special Education and Related Services from December 12, 2024, through December 11, 2025, indicated:
 - i. Speech - 15 minutes, 1 day a week, every 4th week, Indirect consult service for speech and language support.
 - ii. Special Education Service - 20 minutes 1 day per week, every other week, indirect/consult service for vision.
 - iii. Special Education Service - 20 minutes 1 day per week, every other week in the special education classroom for vision.
 - iv. Special Education Service - starting 01/06/2025 and ending 12/11/2025 for 100 minutes, 5 days per week, every week in the special education room for resource/English.
 - v. Special Education Service - starting 08/14/2025 and ending 12/11/2025 for 50 minutes, 5 days per week, every week in the special education room for math.
 - vi. Special Education Service - starting 08/14/2025 and ending 12/11/2025 for 50 minutes, 5 days per week, every week in the special education room for math.
 - vii. Special Education Service - starting 01/06/2025 and ending 12/11/2025 for 50 minutes, 5 days per week, every week, in the regular education classroom with special education support for an elective.
 - viii. Special Education Service - starting 08/14/2025 and ending 12/11/2025 for 100 minutes, 5 days per week, every week, in the regular education classroom with special education support for electives.

- y. Accommodations/ Modifications/Supplementary Supports starting 12/12/2024 and ending 11/21/2025:
 - i. Record 1: "Read aloud using human or computer-generated voice."
 - 1. Frequency: "When given an assignment, test, or quiz with a reading passage to encourage comprehension."
 - 2. Location: "General and special education classroom."
 - 3. Duration: "The time given for the assignment, quiz, or test."
 - ii. Record 2: "Separate/quiet environment for working on assignments and testing."
 - 1. Frequency: "When given a test or assignment."
 - 2. Location: "General and special education classroom."
 - 3. Duration: "The time needed to complete the assignment or test."
 - iii. Record 3: "Visuals will be provided to communicate directions, schedule or other instructions."
 - 1. Frequency: "When given directions, schedule, or instructions to encourage independence."
 - 2. Location: "General and special education classroom."
 - 3. Duration: "The time needed to understand the task by interpreting the visuals."
 - iv. Record 4: "All assignments, tests, or quizzes will be shorten[ed] and broken into smaller pieces and modified by 50% to that of peers the same age."
 - 1. Frequency: "When given assignments, tests, or quizzes."
 - 2. Location: "In the general and special education classrooms."
 - 3. Duration: "The time needed to complete the test, quiz, or assignment."
 - v. Record 5: "Extra time will be provided for [the Student] to complete tests, quizzes, assignments, or assessments in collaboration with the general education and special education teacher."
 - 1. Frequency: "When given a test, quiz, assignment, or assessment."
 - 2. Location: "General and special education classroom."
 - 3. Duration: "For the duration of the assignment, test, or assessment."
 - vi. Record 6: "Word predictions will be provided through technology or written prompts."
 - 1. Frequency: "When working on class assignments, tests, quizzes, or assessments."
 - 2. Location: "General and special education classroom."
 - 3. Duration: "For the duration of the assignment, test, or assessment."

- vii. Record 7: "Provide high contrast/color-coded stickers for the keyboard."
 - 1. Frequency: "When using a keyboard."
 - 2. Location: "General and special education classroom."
 - 3. Duration: "For the duration of the assignment, test, or assessment."
 - viii. Record 8: "Chromebook with a 14-inch screen."
 - 1. Frequency: "When using a Chromebook."
 - 2. Location: "General and special education classroom."
 - 3. Duration: "For the duration of the assignment, test or assessment."
 - ix. Record 9: "Print assignments should be provided in size 14 Arial Font."
 - 1. Frequency: "When given print or digital material to read."
 - 2. Location: "General and special education classroom."
 - 3. Duration: "For the duration of the assignment, test, or assessment."
 - x. Record 10: "Utilize orange or blue highlighting to color code reading materials."
 - 1. Frequency: "When given print material."
 - 2. Location: "General and special education classroom."
 - 3. Duration: "For the duration of the assignment, test, or assessment."
 - xi. Record 11: "Provide a line to write on when answering questions."
 - 1. Frequency: "When a line is not provided for written work."
 - 2. Location: "General and special education classroom."
 - 3. Duration: "For the duration of the assignment, test, or assessment."
 - xii. Record 12: "Reduce visual clutter by adding extra spaces between lines on assignments."
 - 1. Frequency: "When written work is provided for written work."
 - 2. Location: "General and special education classroom."
 - 3. Duration: "For the duration of the assignment, test, or assessment."
 - xiii. The Parent was given a plan option to consider for the Student to attend the School full time to earn credits.
21. A PWN dated December 12, 202[4] indicated a change in placement that resulted in the movement of more than 25% of the Student's school day from a less restrictive environment to a more restrictive environment. The Student will have an increase of 100 minutes of direct support 5 days a week in the special education resource classroom.
22. On December 5, 2024, the Principal emailed the Parent, "If [the Student] will only be attending [the School] in the afternoon 2nd semester, we do not have any drawing classes available. ... we only have drawing available in the morning. ... In terms of a

- diploma from [the School], there is not a Special Education diploma; everyone gets the same diploma and has the same expectation of earning 25 credits."
23. On January 20, 2025, the Special Education Resource Teacher emailed the Assistant Director of Special Education and the Principal to schedule a meeting to inform the Parent of "the materials being used and how they meet the cognitive and visual needs of the Student."
 24. Meeting notes dated February 3, 2025 indicated the Parent stated again that they did not agree with the exceptionality of MD for the Student. The Parent stated that they would not fight it but wanted it noted that they did not agree with it. The Parent stated that they felt the Student would benefit from more support.
 25. On February 11, 2025, the Parent emailed the Principal to request an IEP meeting to go over Parent questions, access to curriculum, reading programs, and inclusion. The Assistant Director of Special Education responded with the following timeline of events:
 - a. April 16, 2024, Initial eligibility meeting: A Notice of IEP Meeting was sent to the Parent. There was a discussion regarding options for vocational education opportunities and alternative graduation plans due to the lack of credits the Student had earned. The Team agreed to reassess the credits for a "clear path for transition-based services." The Parent wanted the Student to attend the School and the Private School. Meeting notes indicated the SLP wanted to re-administer the CELF but had to wait until after June. The team created an IEP. The Special Education Resource Teacher would like Touch Point Math added to the goal.
 - b. April 18, 2024, Continuation of eligibility meeting: The Team reviewed exceptionality and reviewed Certificates of Eligibility. The Team felt MD was the best fit, and the Student met all criteria. The team agreed the Student would attend the School from 9:45 a.m. - 3:00 p.m. daily. The Student will attend the Private School prior to attending the School.
 - c. May 22, 2024: The team agreed to discuss exceptionality after assessments for Occupational Therapy (OT), Physical Therapy (PT), and Speech- Language (SL), which would be completed in the fall. Meeting notes indicated the Parent would like to keep services at both the School and the Private School.
 - d. August 12, 2024: The team discussed exceptionality. The Parent and the Private School team asked to postpone the conversation. Meeting notes indicated the Student's classes would be pass/fail with modifications. The Parent agreed with the proposed schedule. The Student attended the School from 10:45 a.m. -3:00 p.m. as agreed by the team.
 - e. September 6, 2024: The Parent requested that exceptionality be discussed. The Parent and the Private School team disagreed with the exceptionality. The Parent had previously signed the consent for the MD exceptionality. The Parent felt that OHI was the best exceptionality. Meeting notes indicated the team reviewed the amendment proposed during the last meeting. Diploma options were discussed. The Principal shared that the Private School was a non-accredited school

registered with the State, “they can actually issue [The Student] a diploma with 21 credits. So the State can.” The Parent gave permission for a consent to evaluate for VI, SLP, OT, and PT. A Prior Written Notice was signed.

The Special Education Resource Teacher indicated that the team needed to revisit the agreement to the amendment.

November 22, 2024: The Parent requested an additional meeting to discuss the exceptionality. Evaluation data was reviewed, and the Student “performed exceptionally well.” A recommended accommodation for the team to consider was “[t]ransitions to and from class prior to the halls being full.” The Vision Specialist stated the Student meets the eligibility of legally blind per the Vision Physician. The team agreed that Arial font size 14 seemed best for the Student. The Parent discussed having a touch screen vs. a laptop. The Vision Specialist suggested adding a goal to the IEP about the Student's ability to discuss the issues with their vision. The Vision Specialist recommended direct services and consultative services, “20 minutes 1 time every other week direct; 20 minutes 1 time every other week consultative.”

Orientation and Mobility Services were not recommended at that time. Tint options and wraparound sunglasses were suggested to assist the Student's vision.

The Special Education Resource Teacher stated that the Student met the definition of legally blind. The Occupational Therapist indicated no need for OT services based on the Student's accommodations.

The evaluation was completed, and direct VI services were added.

A PWN dated November 22, 2024 indicated a change in services. “It is proposed that [the Student] receive vision support:

- “20 minutes once every other week on consult[ation].”
- “20 minutes once every other week direct services within the resource room.”
- “Speech/Language services will remain the same.”

- f. December 12, 2024: The Student's exceptionality was discussed, and the Parent conditionally agreed to it, “but that [the Parent] doesn't agree.” The Parent was informed that they could write a dissent that would be included in the notes. There was no dissent on file as of the meeting date. The IEP was reviewed. Accommodations and modifications were discussed to assist the visual pieces. Transition services were discussed. The Parent wanted to add a statement to the exceptionality. A PWN indicated a substantial change in placement. “Spring 2025 Semester. [The Student] will have an increase of 100 minutes of direct support 5 days a week, every week in the special education resource classroom.” Progress reports were to be sent to the Parent on December 20, 2024.

- g. February 3, 2025: The Parent stated that they wanted included in the meeting notes that “they do not agree with the exceptionality, but will not fight it.” Meeting notes indicated [the School Psychologist] explained to the Parent that it just wasn’t the IQ testing that went into the exceptionality, but it was also a full comprehensive review of all data. The Parent agreed but said they would need to review the data.

The School Psychologist indicated that the testing done by the School Psychologist/Autism Specialist in the past was invalid because the correct test was not given to the Student. The Student had aged out. The Student was also tested within a year of the School Psychologist’s testing with the same test. The team met to review services and IEP. The team discussed curriculum options.

- h. February 11, 2025: The Parent emailed to request an IEP meeting to “discuss the finalization of the label,” among other topics. The Parent requested an IEP meeting to discuss access to FAPE.
- 26. According to the Assistant Director of Special Education, on February 11, 2025, the Student had access to FAPE. The Student attended the School since the Student’s placement and was receiving special education services. “As a [P]arent, you have chosen to have a dual education experience with [the Student] attending [the Private School] setting, previous to attending [the School] and the first 2-3 hours of each school day. This has been a topic discussed at multiple meetings, as it was unclear when we first met, the path you were seeking - a diploma or a certificate of completion.”
 - 27. In an email exchange between the Parent and the Special Education Resource Teacher, dated January 16, 2025, the Parent requested an IEP meeting to discuss the Student and plans for the semester. The Special Education Resource Teacher responded on January 17, 2025 asking the Parent to note questions and concerns via email or phone. On January 22, 2025, the Special Education Resource Teacher emailed the Parent to set up an IEP meeting to review and explain how the Parent could access the curriculum.
 - 28. In an email exchange between the SLP and the Special Education Resource Teacher, dated February 4, 2025, the SLP stated, “Talk Path seems to be more of a home program ... In an educational setting, I have found that the most beneficial approach is integrating skills into real-life, meaningful opportunities. If the team determines that [the Student] requires additional assistive technology to access the curriculum, I recommend reaching out to our Assistive Technology Specialist. [The Assistive Technology Specialist] can observe [the Student] in [their] educational environment and provide informed recommendations based on [the Student’s] specific needs.”

The Parent requested “to speak directly with the ATS person at [the District] and get [their] feedback and ask [them] some other questions that relate directly to [the Student] and challenges [the Student] faces as [they] try to access the curriculum.”

29. On February 21, 2025, the Parent emailed the Assistant Director of Special Education requesting to utilize the Readability app and Ello that could be used on iOS devices, which would provide speech recognition at school since they were used at home.
30. According to a Private School Video of the Student working with the Private School SLP, the Student could read orally using glasses. The Private School SLP pointed and tapped at each word while the Student read orally. The Student made five decoding errors with the SLP correcting. The SLP asked comprehension questions with the Student reading the answer.
31. According to a video recorded on April 3, 2025, the Student could read orally using a computer screen without glasses and without decoding errors.
32. According to the Vision Teacher (TSVI) based on their evaluation and records review, the Student does qualify for Visual Impairment. (Vision Teacher) Regarding accommodations and modifications the TSVI shared that they look at what the Student is doing in the classroom, making sure that the print size and materials are appropriate for the Student. The TSVI asked for a larger screened Chromebook with Ariel Font size 14. The TSVI indicated the Student was not aware that they had a visual impairment. The TSVI and the Student conducted conversations about the visual impairment and "I'm trying to get [the Student] to be able to label it like with the acronym CVI, which [the Student] is able to do and now we're working on cortical visual impairment." The TSVI shared they did not know about Transition Services for the Student.
33. The Assistant Director of Special Education indicated that the team met in May to discuss a possible full-time placement at the School and a variety of options for scheduling. The team met again in August 2024 and the Parent wanted to continue having the Student part time at the Private School and part time at the School. The Assistant Director of Special Education shared that the Private School was a private agency, non-accredited school that served students with speech language and "possibly some ABA therapy." The Student had been receiving services there since around fourth, or fifth grade. The District considered the Student enrolled in a private school, not receiving home-school services.

The Assistant Director of Special Education indicated that vision services were never brought up as a concern in the original evaluation. The original eligibility of MD was chosen because none of the other disabilities fit as "stand-alone exceptionalities." The team looked over learning disability criteria and the Student didn't meet that eligibility based on assessments. The team chose MD. Later in the summer the Parent brought the concern regarding vision. The Student does not have a communication goal.

34. The SLP stated that they re-evaluated the Student in the fall of 2024. When asked to describe how the scores of the CELF influenced the decision that the Student did not need direct services, the SLP replied, "I also did an observation ... to see if the accommodations, modifications, and supports that we had in place and

implemented were meeting the needs that I found on the testing. And it did. So I felt it was a pretty good indicator that if we support the weaknesses that we found in those testings, that [the Student] can be successful in [their] setting." The SLP provided consultative services. The SLP did not recall if autism was considered on the eligibility.

35. The Special Education Resource Teacher indicated the Student used Google Classroom and Cami, which assisted the Student being able to enlarge print. It was a read aloud program, as well as speech to text. The program highlights and the Student could draw as specified by the Student's IEP modifications. The Special Education Resource Teacher indicated that the Student attended an Art class where the Special Education Resource Teacher checked in and the Student attended a computer class with 100% one-on-one paraprofessional support. The Student received English instruction in the Special Education classroom. The Parent declined career education classes for the Student.

When asked how the team addressed career education, the Special Education Resource Teacher stated, "We tried to implement for the Student to attend our vocational program at our other high school, learning some skills in the kitchen and also some financial assistance. ... The Parent refused to allow the Student to attend that program."

The Special Education Resource Teacher indicated the Student's service time was reduced by 200 minutes because there was a change in the Student's schedule and "at that point in time, [the Student] was receiving services from me for math and an additional resource time. So that time was reduced because of the request from the Parent wanting [the Student] to be in the general education classroom."

36. During an interview with the Complaint Investigator, the Parent indicated they did not talk to the Assistive Technology Specialist from the District but the Parent had suggested several programs that could be helpful to the Student at school. The Parent stated, "I've been saying in every meeting multiple times, I didn't think that's the correct label. ... They didn't acknowledge the psychologist report that was done August 1, 2023. They just used the one that they did in February of 2024 by their own psychologist. ... The other two professional psychologists who have interviewed my [Student] and have pointed out [their] strengths and they've really ignored those."

The Parent didn't think the identified disability was the appropriate one for the Student. The Parent shared that a psychologist tested the Student seven months prior to the Student's public school enrollment and their testing indicated the Student had a learning disability. The Parent shared the report with the District but the District did not consider it because the School Psychologist gave the same test within a year of the School District assessment.

The Parent shared that the Student had CVI that was found in October of 2024. Because of the diagnosis the Parent had safety concerns for the Student. The Parent stated that the Student takes a PE class on their own, with no support, and some

bullying were reasons for their safety concerns.

The Parent shared that when they went into Google Classroom and reviewed the Special Education Resource Teacher's notes that stated what the Student completed, "It looks to me like nothing of real significance at all. I can't go in there and see what [the Student] is really working on." The Parent shared that they have not received IEP progress reports.

37. A Witness Statement from the Private School SLP indicated they did not agree with the Multiple Handicap label, and felt that the Student qualified as a Student with the exceptionality of a Learning Disability. The Private School SLP went on to state that the Student had two other evaluations from outside assessors that recommended the Student have a Specific Learning Disability. The District team indicated that they did not know the Student that well and the team decided to wait until the fall to revisit the label since there was only four weeks of school. The Private School SLP indicated that the Parent signed the Multiple Handicap eligibility because they wanted to attend the School. The Private School SLP stated that the IEP team refused to look at the materials and methods that were used with the Student at the Private School and felt the Private School staff's input was "completely rejected."
38. According to a Witness Statement from the Private School Clinic Instructor, they did not agree with the Multiple Handicap label and felt that a Specific Learning Disability label was more appropriate. The Private School Clinic Instructor stated, "When [the Private School SLP] and I tried to discuss the mislabel, we were told that we were not allowed to have any input." The Private School Clinic Instructor indicated that they felt the Parent signed in agreement to the Multiple Disability eligibility so the School could get to know the Student and would be revisited. The Private School Clinic Instructor felt the Student should be in the general education classroom with a para professional full time. They felt that having the Resource Teacher be the inclusion teacher was problematic.

Positions of the Parties, Applicable Regulations, and Conclusions

Issue One

Whether USD #385 conducted evaluations of the Student and made eligibility determinations in accordance with state and federal regulations implementing the IDEA. K.A.R. 91-40-8, K.A.R. 91-40-9, K.A.R. 91-40-10(a)(1); 34 CFR §§ 300.8, 300.303-306.

According to K.A.R. 91-40-8 and K.A.R. 91.40-9, as part of an initial evaluation, if appropriate, and as a part of any re-evaluation, each agency shall ensure that members of an appropriate IEP team for the child and other qualified professionals, as appropriate, comply with the requirement that the evaluation team shall review existing evaluation data on the child, including evaluations and information provided by the Parent of the child, current classroom -

based assessments, local and state assessments and observations by teachers and related service providers. Based on that review and input from the child's Parent, the evaluation team shall identify what additional data, if any, is needed to determine whether the child has a particular category of exceptionality or, in the case of a reevaluation of a child, whether the child continues to have such an exceptionality. In addition the evaluation team needs to consider what the present levels of academic achievement and educational and related developmental needs of the child are, whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services. In the case of a reevaluation of the child, any additions or modifications to the special education and related services currently being provided to the child are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general education curriculum. If the team determines that additional data is required to make any of the determinations, after giving proper written notice to the Parent and obtaining Parental consent, shall administer those tests and evaluations that are appropriate to produce the needed data.

The Parent alleged the IEP team canceled the Parent's input in the determination of the Student's exceptionality determination. The team refused to consider other exceptionalities. The team stated that they did not know the Student, so they could not consider other exceptionalities. The team refused to consider test results from two other psychologists.

The District received a referral for special education comprehensive testing for the Student on February 21, 2024. At that time, the Student was attending a Private School full time. The team conducted a comprehensive evaluation of the Student and considered the exceptionalities of Learning Disability (Parent request), Other Health Impairment (Parent request), Intellectual Disability (exceptionality from previous evaluation), and Multiple Disabilities. Test results indicated Multiple Disabilities was the identified exceptionality because of co-existing impairments that caused severe educational needs that could not be accommodated in special education solely for one of the impairments.

According to the Parent and a non-District evaluation report, seven months before the Student enrolled in the School, a psychologist assessed the Student and identified a learning disability. The District shared that the intelligence test given by the non-District Psychologist was invalid because the Student aged out of the test prior to the test being given. The District's School Psychologist administered the same test within a year of the District's assessment.

During a meeting on September 6, 2024, the Parent requested a discussion regarding the Student's exceptionality. However, both the Parent and the private school team expressed disagreement with the current exceptionality at the meeting. It was noted that the Parent had previously provided consent for the MD exceptionality. In contrast to this, the Parent voiced the opinion that OHI would be the most appropriate exceptionality for the Student. The Private School SLP and the Private School Clinic Instructor indicated that they felt the Student qualified

for a Specific Learning Disability because outside assessors recommended that qualification. The District School Psychologist indicated that the intelligence test administered by the outside assessor could not be considered because the Student “aged-out” at the time the test was administered.

The original eligibility of MD was chosen because none of the other disabilities fit as “stand-alone exceptionalities.” The team looked over learning disability criteria and the Student didn’t meet that eligibility based on assessments the District had completed. The team chose MD. Later in the summer the Parent brought the concern regarding vision. The Assistant Director of Special Education indicated that vision services were never brought up as a concern during the original evaluation time period.

During the meeting on February 3, 2025, the Parent reiterated their disagreement with the Student’s MD exceptionality. Although the Parent stated that they would not contest it, the Parent wanted their disagreement documented by the District. The Parent chose not to complete the District form in writing to dissent to the MD exceptionality category but wanted it noted that they did not agree. On December 24, 2024, the Student was found eligible for Vision Impairment after reviewing visual tests, classroom observations and ophthalmologist reports.

Based on the foregoing, according to IDEA and Kansas special education regulations *it is not substantiated* that the District failed to conduct evaluations and made appropriate eligibility determinations for the Student.

Issue Two

Whether USD #385, in accordance with state and federal regulations implementing the IDEA, offered the Student the least restrictive environment (LRE) for their unique needs. K.S.A. 72-3420(a), K.A.R. 91-40-21, 34 C.F.R. § 300.116.

According to K.S.A. 72-3420(a) and K.A.R. 91-40-21 each agency shall give notice to the Parent of any meeting to discuss the educational placement of the child. The notice shall meet the requirements of K.A.R. 91-40-17. Each school district shall be required, to the maximum extent appropriate, to educate children with disabilities with children who are not disabled, and to provide special classes, separate schooling or for the removal of children with disabilities from the regular education environment only when the nature of severity of the disability of the child is such that education in regular classes with supplementary aids and services cannot be achieved satisfactorily. Each agency shall ensure that the children with disabilities served by the agency are educated in the LRE.

The Parent alleged that because of the Multiple Handicap exceptionality label, the Student could not be educated in the LRE. Regular Classroom opportunities are scheduled with the Special Education Resource Teacher, and other resource students are in attendance. The Student was required to leave the general education classroom early to return to the Resource Room.

The District team conducted a comprehensive evaluation that determined the need for services. The Student was a 17-year-old student with zero credits. Vocational opportunities were discussed, and the Parent was not interested in enrolling the Student in the program. The Student attended the School for the last five weeks. The Parent wanted the Student to continue to attend the Private School for a portion of the day. The Student arrived at the School at 9:45 a.m. daily. The team discussed a proposed schedule with full-time attendance at the School, which included Math and English in the resource room and two electives (Drawing and PE, which did not require additional support). The Parent wanted the part-time attendance schedule with the Student enrolled in World Geography with support and Photojournalism. The team agreed to make the amendment.

The Parent alleged that during the IEP team meeting on August 23, 2024, when the IEP was amended and the Student's instructional minutes and goals were adjusted, the Parent stated that this action occurred because the School "didn't want to let [the Student] have an inclusive role in the general curriculum earlier in the summer," reportedly stating, "They just said this is what [the Student] can do." The Parent indicated their agreement with the amendment was because the Parent wanted the Student to attend Public School part-time and Private School part-time.

The District indicated the Student's multiple disabilities exceptionality was determined to have impacted their ability to access the general education curriculum across all academic areas when the Student was expected to perform age-appropriate skills such as reading, math, and writing, in comparison to their peers. "Due to [the Student's] cognitive ability being significant[ly] lower than peers of the same age, [the Student] will have all core classes and life skills classes in the special education resource classroom." The District amended the IEP and changed the Student's class schedule to attend PE class with other students, as well as World Geography, and Photojournalism.

The Student attended the School four hours a day and the Private School for three hours a day. Accommodations, modifications, and supplementary supports were listed with the location specified as "General and special education classroom." These supports had a start date of September 6, 2024, and an end date of April 15, 2025. The Special Education Resource Teacher indicated that the Student attended an Art class where the Special Education Resource Teacher checked in and the Student attended a computer class with 100% one-on-one paraprofessional support. The Student received English instruction in the Special Education classroom.

Ultimately, the team agreed to make the amendment reflecting the Parent's preference. The Parent voiced concerns about safety for the Student during PE.

The signed PWNs, IEP, IEP amendments, and email exchanges between both the Parent and District demonstrate that the Parent consented to the placement but wanted more support in

the general education classrooms for the Student. The District did provide extra support in the Photojournalism class and Special Education Resource support for World Geography.

Based on the foregoing, according to IDEA and Kansas special education regulations *it is not substantiated* that the District failed to offer the Student the LRE for their unique needs.

Issue Three

Whether USD #385, in accordance with state and federal regulations implementing the IDEA, offered an appropriate IEP that met the needs of the Student. K.S.A. 72-3429, K.A.R. 91-40-18; 34 CFR § 300.320.

According to K.S.A. 72-3429 and K.A.R. 91-40-18 when conducting the initial IEP meeting for a child who was previously served under Part C of the federal law, an agency, at the request of the Parent, shall send an invitation to attend the IEP meeting to the services coordinator or other representation to assist with the smooth transition of services. Each agency ensures that a continuum of alternative educational placements are available to meet the needs of children with disabilities. These alternative educational placements shall include instruction in regular classes, special classes, and special schools. Further, each agency shall make provisions for supplementary services, including resource room and itinerant services, to be provided in conjunction with regular classroom placement.

In determining the educational placement of a child with a disability, each agency shall ensure that the placement decision meets the following requirements: the decision shall be made by a group of persons, including the parent and other persons who are knowledgeable about the child, the meaning of the evaluation data, and the placement options. In addition, the decision shall be made in conformity with the requirement of providing services in the LRE.

The Parent alleged that at the first IEP meeting in April of 2024 that the Student was found eligible for Multiple Handicapped. The Parent did not agree with that exceptionality. The Parent appealed the exceptionality and suggested consideration of Traumatic Brain Injury, Learning Disability or Other Health Impaired but was rejected by the team. The Parent alleged that the team did not recognize the discrepancy of low verbal skills versus higher social, receptive, and behavioral skills.

The District team made every effort to create an IEP that was appropriate and met the needs of the Student. The team made several amendments to the IEP, which indicated the team's willingness to work with the Parent. The team discussed each semester that the Student needed to attend the School full time to complete credits needed for a diploma by 21. The Parent continued to have the Student attend the School part-time.

During a meeting on September 6, 2024, the Parent requested a discussion regarding the student's exceptionality, expressing disagreement with the Multiple Disabilities (MD) exceptionality for which they had previously signed consent. The Parent believed Other Health

Impairment (OHI) was the more appropriate classification. Meeting notes showed the team reviewed an amendment proposed in the prior meeting, and diploma options were discussed. The Principal explained that the Private School, while non-accredited but registered with the State, could issue a diploma with 21 credits, as could the State. The Parent granted permission for evaluations in Visual Impairment (VI), Speech-Language Pathology (SLP), Occupational Therapy (OT), and Physical Therapy (PT), and a Prior Written Notice was signed.

The District indicated that the Student was found eligible for special education on April 16, 2024. The Student's IEP outlined goals in reading, written language, math, adaptive behavior, and transition services. Related services consisted of speech service consultation, and special education resource room support. The IEP detailed accommodations and modifications for both special education and general education settings. Special education services were specified as 50 minutes daily, five days a week, to be delivered within the regular education classroom with special education support. The IEP indicated that the Student would not participate with non-identified peers in all general education classes.

A PWN dated August 19, 2024, indicated a change in services and a substantial change in placement. The SLP explained that the CELF scores were considered alongside an observation to determine if existing accommodations, modifications, and supports effectively addressed the Student's identified needs. The observation confirmed that these measures were successful. Consequently, the SLP concluded that with continued support for the identified weaknesses, the Student could succeed in their current setting, justifying the decision to provide consultative rather than direct services. While the initial IEP stated the Student did not require assistive technology, this changed when vision services were added on December 12, 2024, at which point the Student began receiving assistive technology support.

A Prior Written Notice (PWN) dated December 12, 2024, documented a change in placement that increased the Student's time in a more restrictive environment by more than 25% of their school day. Specifically, the Student would receive an additional 100 minutes of direct support five days a week within the special education resource classroom. In response to an inquiry about career education, the Special Education Resource Teacher explained that the team attempted to enroll the Student in the District's vocational program at another high school. This program aimed to teach kitchen skills and provide financial assistance knowledge. However, the Parent declined to allow the Student to participate in that program.

Based on their evaluation and a review of records, the Vision Teacher (TSVI) determined that the Student qualified for Visual Impairment services. Regarding classroom accommodations, the TSVI explained their focus on ensuring appropriate print size and materials for the Student. They requested a larger screened Chromebook with Arial font size 14. The TSVI noted that the Student was unaware of their visual impairment and reported having ongoing conversations with the Student to help them understand and label it, specifically mentioning their work on the term CVI. The TSVI also indicated a lack of awareness regarding transition services for the

Student. According to a video recorded on April 3, 2025, the Student could read orally using a computer screen without glasses and without decoding errors.

The signed PWNs, the IEP, and the IEP amendments between both the Parent and District demonstrated that the Parent consented to the actions and agreed with the actions even though they verbally disagreed with the exceptionality identification.

Based on the foregoing, according to IDEA and Kansas special education regulations *it is not substantiated* that the District failed to offer an appropriate IEP that met the needs of the Student.

Issue Four

Whether USD#385, in accordance with state and federal regulations implementing the IDEA, provided the Parent with IEP progress reports. K.A.R. 91-40-16(b)(3), K.S.A. 72-3429(3); 34 C.F.R. § 300.323.

According to K.A.R. 91-40-16(b)(3) and K.S.A. 72-3429(3) an IEP is in effect for exceptional children at the beginning of each school year. A description of how the child's progress toward meeting the annual goals will be measured and when periodic reports on the progress the child is making toward meeting the annual goals will be provided, such as through the use of quarterly or other periodic reports issued concurrently with general education report cards.

The Parent alleged that the School refused reasonable transparency. Because of this, the Parent was not allowed reasonable information about the Student's daily academic or social experiences.

The District sent progress reports on December 12, 2024, and May 18, 2024, which was as frequently as progress was reported for non-disabled peers at the School.

The Parent believed the District's Google Classroom was difficult to follow and the information didn't really inform the Parent of what the Student was doing, and how they performed because the notes were not clear to the Parent. During interviews, the Parent stated that they did not receive any IEP progress reports.

The District indicated the IEP outlined that the Parent would receive written progress reports at the same intervals and in the same manner as general education reports. These progress reports were intended to detail the Student's progress toward achieving their IEP goals and objectives/benchmarks.

The Parent observed that the recorded completed work appeared to lack significant substance. Meeting notes from February 3, 2024, reflected that the Special Education Resource Teacher reviewed Google Classroom and told the Parent they had access "to Google Doc, with all of the Student's classroom information."

According to meeting notes from a meeting held on May 22, 2024, which the Parent attended, the Special Education Resource Teacher discussed the Student's progress and performance, reviewing each section of the Progress Report with the Parent.

On September 11, 2024, the Special Education Resource Teacher emailed the Parent a video for the Student and the Parent to watch, which explained how to get homework documents in Google Classroom with log-in information. Progress reports indicated being sent to the Parent on December 20, 2024.

The meeting notes in which the progress reports were discussed between both the Parent and District demonstrate that the Parent did receive progress reports and progress report reviews in person.

Based on the foregoing, according to IDEA and Kansas special education regulations *it is not substantiated* that the district failed to provide the Parent with Progress Reports.

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)