

KANSAS STATE DEPARTMENT OF EDUCATION  
SPECIAL EDUCATION AND TITLE SERVICES  
REPORT OF COMPLAINT  
FILED AGAINST  
UNIFIED SCHOOL DISTRICT #500, KANSAS CITY PUBLIC SCHOOLS  
ON APRIL 11, 2025  
DATE OF REPORT: MAY 21, 2025

This report is in response to a systemic complaint filed with the Kansas State Department of Education against USD #500 Kansas City Public Schools on behalf of 140 eighth grade students with IEPs transitioning to high school, by a special education teacher in the district, -----. In the remainder of this report, these eighth grade students will be referred to as “the students.” ----- - will be referred to as “the Complainant.”

This complaint is made against the USD #500, Kansas City Public Schools and in the remainder of the report, USD #500 will be referred to as “the district.” The Wyandotte Comprehensive Special Education Cooperative provides special education support for the district; however, the USD #500, Kansas City Public Schools, remains the agency responsible for the student’s educational services. In the remainder of the report, will be referred to as “the coop.”

Mr. Wesley Rush is the High School Special Education Coordinator and in the remainder of the report will be referred to as the “High School Special Education Coordinator.” Dr. Ja’Kyta Lawrie is the Executive Director of Special Education of the Wyandotte Comprehensive Special Education Cooperative and in the remainder of this report will be referred to as the “Director of Special Education.” According to an excel spread sheet provided by the district 140 eighth graders receiving special education services were transitioning to ninth grade from seven middle schools to four high schools. As these special education documents were reviewed for district practices, the student’s identities were not recorded nor were the parents notified as part of the investigation.

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 April 11, 2025 and the 30-day timeline ended on May 11, 2025. The Investigator subsequently requested an extension to gather additional evidence and conduct more interviews, and the end date was revised to May 21.

### **Evidence Reviewed**

During the investigation, the Complaint Investigator Dr. Donna Wickham reviewed all documentation provided by the District and the Complainant. Evidence addressing personnel

matters were not considered in the investigation. The following was used in consideration of the issues.

- Email from Wesley Rush, High School Special Education Coordinator to 39 middle school special education case managers dated March 10, 2025 at 4:54 PM
- Email from . Ja'Kyta Lawrie, Director of Special Education to all special education teachers in the district dated March 25, 2025 at 6:46 p.m.
- Email exchange between Director of Special Education and Amy Perry, Middle School Special Education ELA teacher dated between March 26, 2025 at 9:35 a.m. and April 3, 2025 at 12:39 p.m.
- Screenshots of internal chat exchange among transition teachers and High School Special Education Coordinator, dated between March 31, 2025 at 11:08 a.m. and April 1, 2025 at 4:13 p.m.
- 2024-2025 Middle School Meeting Agenda, April 1, 2025 from 3:00 – 3:30 p.m.
- Email exchange among Complainant, Director of Special Education and Dana Nelson, Director of Special Education Programs dated April 1, 2025 between 3:30 p.m. and 9:31 p.m.
- Email exchange between Director of Special Education and High School Special Education Coordinator dated April 1, 2025 between 3:59 p.m. and 5:21 p.m.
- Email from High School Special Education Coordinator to 39 middle school special education case managers dated April 8, 2025 at 10:47 a.m.
- Email from High School Special Education Coordinator to 39 middle school special education case managers dated April 9, 2025 at 10:58 a.m.
- Email from High School Special Education Coordinator to 39 middle school special education case managers dated April 9, 2025 at 11:15 a.m.
- Email from High School Special Education Coordinator to 39 middle school special education case managers dated April 9, 2025 at 12:38 p.m.
- Email exchange between a Middle School special education teacher and High School Special Education Coordinator dated April 9, 2025 between 1:02 p.m. and 1:05 p.m.
- Email exchange between Complainant and High School Special Education Coordinator dated April 9, 2025 between 4:54 p.m. and 5:31 p.m.
- Email from High School Special Education Coordinator and 39 middle school special education case managers dated April 14, 2025 at 10:15 a.m.
- District response dated April 19, 2025
- Email exchange between the Investigator and Director of Special Education dated May 12, 2025 between 10:06 a.m. and 10:43 a.m.
- 2024-2025 Special Education Case Manager Handbook, Revised July 29, 2024
- Building to Building Transitions IEP Meeting Process from the 2024-2025 Special Education Case Manager Handbook
- District Parent Script for Building to Building Transition IEP Meetings, undated
- Sped Transition Express, undated

- 24-25 Transition Express Checklist
- List of Grade 8 district transition IEPs amendments
- List of Grade 8 students with amended IEPs between January 1, 2025 and May 23, 2025 in the district, printed on April 19, 2025
- Screenshots of services pages from the IEP system for each 8th grade student on the list that had an amendment
- Service pages for 37 students whose IEPs were amended
- 24-25 High School IEP Checklist
- Prior Written Notices for 28 students with collaborative minutes whose IEPs were amended
- Class rosters for the Complainant's school for 2nd and 8th hour collaborative science and 3rd and 4th hour collaborative social studies
- Master schedule for the Complainant's school for the 2024-2025 school year

The Investigator first spoke with the Complainant by phone on April 13, 2025 and later interviewed the Complainant on May 10, 2025. The Investigator interviewed the High School Special Education Coordinator on May 1, 2025 and spoke with the Director of Special Education on May 5, 2025 and May 12, 2025. The Investigator interviewed Karen Dickerson, a retired special educator for the district who is currently serving as a paraeducator on May 10, 2025 and Amy Perry, an 8th grade special education case manager on May 13, 2025. Additional persons were recommended for interview by the Complainant, but did not respond.

## **Background Information**

The district procedures for amending service minutes and settings for the IEPs of 8th grade students transitioning to high school and involving parents in the process was guided by a transition meeting occurring during the spring of 2025. The guidelines provided by the district in writing and verbally during the 2024-2025 school year were perceived to contradict IDEA regulations and differed from those used in past years. Especially of concern was the Complainant's concern that the 8th grade case managers were instructed to discontinue collaborative services in social studies and science by the district rather than through the IEP team.

## **Issues Investigated**

### **Issue One**

Did the district follow IDEA procedures according to 34 C.F.R. §§300.324(a)(4)(i) and 300.324(a)(4)(ii) when directing middle school special education case managers to amend all IEPs for students transitioning to high school in regard to collaborative service minutes?

### **Applicable Law**

Federal regulations at 34 C.F.R. §§300.324(a)(4)(i) and 300.324(a)(4)(ii) allow school districts to amend or modify the child's current IEP if the parents and school district agree to not convene the IEP team when making changes to a child's IEP after the annual IEP Team meeting for a school year. Further, if changes are made to the child's IEP with an agreement to amend or modify the child's IEP without an IEP team meeting the school district must ensure that the child's IEP team is informed of those changes.

Further, Kansas state statute, K.S.A. 72-3404(aa) states that a substantial change in placement means the movement of an exceptional child, for more than 25% of the child's school day, from a less restrictive environment to a more restrictive environment or from a more restrictive environment to a less restrictive environment and K.S.A. 72-3404(bb) states a material change in services means an increase or decrease of 25% or more of the duration or frequency of a special education service, a related service, or a supplementary aid or a service specified on the IEP of an exceptional child. K.S.A. 72-3430(b)(6) then states that the parents of exceptional children shall have the right to consent, or refuse to consent to any substantial change in placement of, or a material change in services.

### **Complainant Position**

The Complainant alleged that the district is "directing Middle School Special Education Case Managers to amend all IEPs for students transitioning to high school by removing collaborate service minutes except in Math and English." A transition meeting was held on March 26, 2025 and included all middle school and high school case managers. A handout was provided to the Middle School Case Managers stating what minutes could be given for High School Students. "At this time the High School SPED Coordinator stood up and stated that there is no support in science, social studies, or anything but math and English at the High School level." On April 9, 2025 the [High School Special Education Coordinator] sent an email to all case managers again stating for Science and History, students receive supports through accommodations and modifications. If high school IEP team determines that these accommodations are not sufficient to support the student, they will review academic and behavioral data to consider any necessary changes in placement."

### **District Position**

The district responded that they were not requesting the case managers to eliminate service minutes in exchange for accommodations or modifications. Instead, they were asking the case managers to specify instructional skills such as reading comprehension or written expression for the Special Education service minutes. They state that this was aligned with KSDE guidance as it appeared in TASN training materials. The district further stated that in all cases when these refinements were made an amendment and prior written notice was written and parents offered an IEP meeting. The district stated they were unable to find any specific

communications where the district directed any middle school special education case manager to amend all IEPs for students transitioning to high school regarding collaborative minutes. They continue that most IEP transition amendments or services were addressed during the annual IEP meeting and most did not require many amendments for high school and the ones that did require amendments had a slight increase in collaborative services due to adjusting to the high school bell schedule. They state that the Complainant left the meeting prior to listening to the full explanation and that led to the complaint. Although they acknowledge that the emails may have appeared misleading they have followed up with case managers who are responsible for amending the IEPs of these 8th graders and the case managers understand what they are being asked to do.

### **Analysis: Findings of Fact**

1. According to an excel spread sheet titled, Transition IEPs Amendments provided by the district 140 eighth graders receiving special education services were transitioning to ninth grade from seven middle schools to four high schools. Of those 140 students, 66 of their IEPs were amended at the time of the investigation. Forty-six of the IEPs were amended in April after the all-district transition meeting and twenty of the IEPs were amended in March prior to the all-district transition meeting. The remaining IEPs indicated the IEP had been unlocked by administration for an amendment, but the amendment had not been made yet. By way of explanation, the allegation was that the amendments were not made correctly, not that the amendments had not been made so only the 66 IEPs with amendments were considered during this investigation.
2. The 2024-2025 Special Education Case Manager Handbook, page 47 states that IEP Amendments between annual IEP's always require a PWN at transition meetings between 8th and 9th grade.
3. The 2024-2025 Special Education Case Manager Handbook, page 64 explains how case managers write IEP services into the district's IEP program. The case manager select a service such as special education (SE) or transportation (T) services. For special education, the case manager and further specifies the skill from a Drop-Down menu for reading fluency, written expression, reading comprehension, math calculation, etc. The case manager then selects the setting as collaborative (C), or direct instruction (G). The Director of Special Education described that the service page for a student enrolled in a general education class (ELA, math, history, science, etc.) that is co-taught by a general education content teacher and special education teacher in a general education classroom with both special and general education students would select special education (SE) for the service, select the skills based on the student's present levels and needs and the setting would be coded as C for Collaborative. Conversely a student enrolled in an ELA or math class with a special education teacher in a special education classroom with only other special education students would be assigned SE for special education and the setting would be coded G for Direct Instruction. The Director of Special Education, Complainant and 8th grade special education case manager agreed

that special education teachers at the middle and high schools do not teach science or history classes only for special education student enrollment.

4. The class schedule for the school where the Complainant is employed showed two co-taught science classes (hours 2 and 8) and two social studies classes (hours 3 and 4).
5. On March 10, 2025, a voice message and subsequent email was sent out to all special education staff regarding the district's internal transition event (held on March 26, 2025) to allow teachers time to discuss students' transitioning to a new building and grade level. On March 25, 2025, the Director of Special Education clarified that the internal transition event did not replace offering to hold an IEP amendment meeting with parents as part of amending the IEP services/placement due to the transition from 8th to 9th grade.
6. The March 25, 2026 email from the Director of Special Education to the attendees of the March 26, 2025 internal transition event stated, "This event does not take place of any IEP amendment transition meeting with parents that may need to take place, however, as always, once you have the information needed for the transition IEP amendment, and you contact the parent to discuss, if they are in agreement with what you plan to propose, you can complete the amendment process and send home PWN for the parents without holding a meeting. If there is not an agreement or if you feel that it is best to hold a formal IEP meeting to discuss transition, you will need to send a notice of meeting home to the parent and schedule an IEP meeting. Rather you as the case manager completes an amendment and send home PWN or hold a formal meeting, all IEP amendments for transitions are [district IEP software] by May 9, 2025"
7. At the district's internal transition event held March 26, 2025 the eighth grade teachers were asked to bring the student transition form and a copy of the current IEP (to review services, goals, accommodations, and placement) to the meeting. The ninth grade teachers were asked to bring the proposed number of special education minutes the student might receive in their new building (according to bell schedules). Ideas about appropriate grade-level accommodations and modifications that are used in some classes for specific needs and appropriate grade-level IEP goals, especially those related to reading, writing, and math, to review to discuss and adjust as needed. The email attached the coop's transition checklist and student transition form. The 8th grade special education case manager stated that this event was a change from past years. In the past these meetings were held via Zoom or Google Meetup and the parents and principals were invited.
8. The coop relied on two written documents to guide the discussion of the student, proposed IEP amendments and procedures of the internal transition event. First, the SPED Transition Express, a transition services checklist is signed by both the sending and receiving case managers. This checklist guides the case managers through a discussion of Fastbridge Assessment, services for skill areas, modifications and accommodations, related services, placement, behavior, goals, transportation, and any other areas, noting if amendments are needed. Also, the district's Parent Script for Building to Building Transition IEP Meetings has an agenda item to discuss "changes to

the IEP that current case manager will need to complete (i.e., goals, accommodations/modifications, service minutes? (2-5 minutes)?" The 8th grade special education case manager stated that the transition meetings often generated more information about each student as a learner, behaviors, social skills, and information beyond Fastbridge Assessment scores.

9. At the March 26, 2025 transition event the High School Special Education Coordinator reminded the attendees of some high school structures that may trigger an amendment, such as individual bell schedules, block schedules, etc. The special education ELA case manager had stated during the interview with the Investigation that middle schools had begun to adopt some of the high school structures to smooth transition. The High School Special Education Coordinator also reminded the attendees that the high school offered Direct Instruction classes (G setting) in Math and ELA, but not in Science and Social studies. The High School Special Education Coordinator then shared the bell schedule for high schools to guide the case managers to adjust service minutes for students who are in those classes bell to bell.
10. An April 1, 2025 Middle School Meeting was held to clarify teacher generated questions that arose from the March 26, 2026 transition event. This meeting was held for 30 minutes and attended by middle school special education teachers and facilitated by the High School Special Education Coordinator. One question submitted was, "they were told that collab services were not available for science and social studies, the teacher did not disclose who would have told them that, but [High School Special Education Coordinator] only response was about not adding class names (subjects) on the IEP and [High School Special Education Coordinator] would explain more about that at the meeting."
11. The Complainant emailed the Director of Special Education following the April 1, 2025 Middle School Meeting with the following concerns:

*I wanted to follow up on several concerns from today's middle school SPED meeting, as they are causing confusion and inconsistency in our processes. 1. Prior Written Notice (PWN): [High School Special Education Coordinator] stated that we do not need to write a PWN for every IEP, despite this being part of the compliance checklist and past guidance indicating it is necessary. [High School Special Education Coordinator] mentioned KSDE does not require it and that [they] would address it with compliance if needed. Many of us are concerned, as this contradicts what we have always been told. Can you clarify the correct requirement? 2. Science and Social Studies Collaboration Minutes: We were told that we should not add collaboration minutes for science or social studies and should instead use accommodations. However, we have many students who require more individualized support beyond accommodations. How does this align with legal requirements and best practices? Has there been a policy change in [district] regarding this?*

12. On April 1, 2025, the High School Special Education Coordinator clarified to the *Director of Special Education* that his guidance at the April 1, 2025 meeting included: "1. Prior Written Notice (PWN): I explained in detail when a PWN is required and supported the explanation with both a PowerPoint and the KSDE document. In addition, [district colleague] posted the PWN Guidelines in the chat during the meeting for quick

reference. 2. Direct Services for Science and Social Studies: I clarified that at the high school level, we do not provide direct services in science and social studies. Instead, we support students through accommodations and modifications to address their individual needs. I gave an example: if a student struggles with reading, they may use text-to-speech software or receive oral administration of assessments. We have discussed in multiple coordinator meetings that case managers should not enter core content classes (e.g., Algebra or ELA) into the service lines. Instead, they should only list the areas the student qualifies in (e.g., reading comprehension or math problem-solving)." The High School Special Education Coordinator also wrote that the Complainant left the meeting early so may have missed the information.

13. On April 10, 2025, the Director of Special Education responded to the Complainant's concern regarding PWNs and science and social studies collaborative minutes that:

*1)...there is also a page in your case manager handbook that says when you need to have a PWN. 2) it has been discussed and shared that we do not write services minutes for any course/subjects, you must write minutes for there (sic) area the child qualifies for that's connected to a goal: example written expression, reading comprehension. You would not write a student need (sic) 20 minutes of services in any particular subject/class on an IEP. I also believe this is outlined in your case manager handbook as well, around service comments. Also remember, all students can get accommodations, if a student need more to access curriculum, you should also consider adding modifications needed.*

14. The Director of Special Education clarified and confirmed in an email to the Investigator that

*Co-taught also known as Collab services can and are provided in science and social studies if needed for a student in any of our secondary buildings, including high school. The Master Schedule is created by the building administrator (or designee) and case managers of students make sure their students have correct schedules and service providers know what services on the IEP they are serving and which classes. This is a part of the expectations of case managers for the start of the school year, as outlined in the case managers handbook Page 21 – "Student verification process." Further, The document, titled, SPED Transition Express was provided to case managers for the March 26, 2025 internal transition event for the current and receiving case manager to discuss and document what specific classes would the services be provided in for any co-taught/collab based on the student and their needs, it was another resource and tool to make sure they address the needs of students and their services and which courses services are provided in. Case Managers at the high school would then be the ones to create their and the para schedule. That is typically done before students return to school, but after the report date for teachers and paras around the first full week of August.*

15. An April 9, 2025 email from the High School Special Education Coordinator to the 8th grade special education case managers stated, "I've noticed that several of you are entering 80 minutes of G minutes, followed by additional C minutes for the same disability category. As explained during the transition meeting, service minutes at the high school level are provided within the student's ELA and Math classes through direct instruction. If a student is already receiving G minutes in those classes, there is no need



to add additional C minutes. These extra minutes should be removed, as they will not be delivered once the student transitions to high school. Once the student transitions, if the high school team feels the student requires more intensive services, they will address that through the IEP team at that time. However, at this stage, we must only include minutes that reflect services that will be provided. To answer the most common follow-up in advance: Yes — students will be supported in Science and History through accommodations and modifications, not direct instruction.” The 8th grade special education case manager understanding of this statement was that the student who previously was in a co-taught science or history class (general education and special education teacher in a general education) during middle school would not have access to a special education teacher or paraeducator for science or history in high school – only accommodations or modifications.

16. An April 9, 2025 email from the Complainant questioned the High School Special Education Coordinator, “I wanted to clarify whether collaborative services are not available for science and social studies classes at the high school level. If it is correct that, regardless of the level of support the IEP team believes is necessary, student can only receive accommodations and modifications in those subjects?” The High School Special Education Coordinator replied to the email, copying all 8th grade special education case managers stating “We are currently supporting students in all qualifying areas of need, including reading, reading comprehension, math calculation, and math problem solving. These services are provided within the Direct Instruction (DI) ELA and Math classrooms, which are 80-minutes blocks. This extended instructional time allows students the opportunity to receive targeted support not only for those core areas but also indirectly support their success in other classes. Its (sic) important to ensure that all students are receiving accommodations and modifications that support their individual needs. For Science and History, students receive support through accommodations and modifications, such as: Text-to-speech tools, Testing in a small group, Modified assignments, Teacher-provided notes, Tests read aloud. If the high school IEP team determines that these accommodations are not sufficient to support the student, they will review academic and behavioral data to consider any necessary changes in placement. As I previously shared in an email to all middle school case managers, if you feel a student may require Academic Support, I am more than willing to review the student’s data to determine need based on objective performance and classroom information. Over the past two years, we have had several students transition to high school with Direct Instruction classes whose academic levels did not warrant that level of support. Many of these students have been successfully placed in collaborative classes and have shown strong academic progress, which raises a concern about the accuracy of middle school placements.” The 8th grade special education case manager explained that Direct Instruction classes are 80 minutes blocks designed to work on IEP goals, including behavior, social skills, morphology, missing work, reteaching content, and extra practice.. They do not have a curriculum and are not guided by a lesson plans, but students are assigned a grade.

17. The district response clarified that there was likely a misunderstanding of the High School Special Education Coordinator information that likely contributed to the child complaint.

*This is where I found that what [High School Special Education Coordinator] was saying and what teacher(s) were doing/saying/asking were really two different things. [High School Special Education Coordinator] was coming from the lens of [their] high school and those direct services, academic support classes that is only offered at all the high schools and typically if those student were in those classes they usually did not have C minutes for the same areas of needs because they are getting it in the sped classroom for English and Math. I believe the teacher(s) were talking about something different so when [they] said to be sure to remove those C minutes and how that's written was to align to high school schedules. That's where I believe [they] could have better explained what [they were] thinking the middle school teachers were saying versus what [they] assumed they were saying. There was a level of confusion on both parts. Based on what [they] later responded to about "Yes students will be supported in Science and Social studies through accommodation and modifications", [they] shared that because there is no direct instruction course offered for Science and Social and students do receive support in those subjects through accommodation and modification, but [they] didn't say anything about a para or teacher could not be pushed in physically be in those classes and when the teachers were asking about science and social studies they were clear with about actually staff going into those classes. In my findings, this was miscommunication, misinterpretation and misunderstanding on both sides for assorted reasons.*

20. Fifteen of the 140 students (approximately 10%) transitioning from 8th to 9th grade from the four middle schools were reviewed for presence of amendment and PWNs. Of those fifteen, four recorded the service changes between 8th and 9th grade as part of the annual IEP meetings. Each provided a PWN, of which three had signed parent consent and one did not have signed consent, but no material or substantial changes were proposed. The remaining 11 included completed amendments and a PWN documenting the transition decisions. Only one included a material change in service and included signed parent consent. Only one was not signed but did not propose a material or substantial change.
21. Seven additional students who were transitioning from 8th to 9th grade from the Complainant's middle school in co-taught science or social studies classes were selected for review from the school's class rosters for collab service minutes and PWNs for the change in services.

Student identifier	C minutes grade 8	Amendment prepared	C minutes grade 9	PWN
1	SE Written Expression 30 min weekly	Yes	SE Written Expression 40 min weekly	Provided, not signed, not material or substantial change proposed
2	SE math operations 30 min weekly	Yes	SE math operations 30 min weekly	Signed not material or substantial change proposed
3	SE math operations 45 min weekly	Yes	SE math operations 30 min weekly	Signed not material or substantial change proposed

Student identifier	C minutes grade 8	Amendment prepared	C minutes grade 9	PWN
4	SE Basic reading skills and written expression 30 min AND Math Operations EACH 2x weekly	Yes	SE Basic reading skills and written expression AND Math Operations EACH 40min weekly	Signed not material or substantial change proposed
5	SE Math Operations 30 min 2x weekly	Yes	SE Math Operations 40 min weekly	Signed not material or substantial change proposed
6	SE Math operations AND reading fluency EACH 30 min 2x weekly	Yes	SE Math operations AND reading fluency EACH 20 min 2x weekly	Signed not material or substantial change proposed
7	SE Math operations AND reading fluency EACH 30 min 2x weekly	Yes	SE Math Operations AND reading fluency EACH 40min weekly	Signed not material or substantial change proposed

### Conclusion

It is found that the district's written documents including the case manager procedural manual and training materials used to orient the special education case managers for transitioning the 8th graders to 9th grade are consistent with IDEA and state regulations for amending IEPs. Specifically, The Kansas State Department of Education Kansas Special Education Process Handbook (page 87) states that when the IEP team proposes to update or change the Statement of Special Education and Related Services and/or educational placement "between annual IEP reviews, if the parent and school representative agree, changes can be made without an IEP team meeting, by amending the IEP rather than by rewriting the entire IEP". "In amending a child's IEP, the parent of a child with an exceptionality and the school representative may agree not to convene an IEP team meeting for the purpose of making those changes, and instead may develop a written document to amend or modify the child's current IEP. There are no restrictions on the types of changes that may be made, so long as the parent and the school representative agree to make the changes without an IEP team meeting. If changes are made to the child's IEP without a meeting, the school must ensure that the child's IEP team is informed of those changes (K.S.A. 72 3429(b)(4)(B); 34 C.F.R. 300.324(a)(4))." Further, "Even when using the IEP amendment process, the school must provide Prior Written Notice of any changes in the IEP. If the changes in the IEP constitute a substantial change in placement or a material change in services, the school must request parent consent to implement the change."

Based on the review of evidence, interviews with all parties there were two factors that contributed to misunderstanding and consequently probably led, in part, to this complaint. First, as the Director of Special Education described in the district response, emails sent out to special education case managers on April 9, 2025 provided confusing and seemingly contradictory information about the process that is included in the case manager's procedural manual, transition checklist and training materials. Some of the emails sent to the case

managers included descriptions of traditionally internal decision making that occurs when administrators determine how to meet the IEP needs of all incoming and present students with staff skills and logistics to develop class rosters. Further, the High School Special Education Coordinator stated relying on the aid of artificial intelligence (AI) to develop an email sent out to the special education case managers that proved to be confusing.

Second, it was determined that there was confusion between services, skills within services and setting on behalf of the Complainant as evidenced by the statement written in the systemic complaint dated April 10, 2025, "the district is directing Middle School Special Education Case Managers to amend all IEPs for students transitioning to high school by removing collaborative service minutes except in Math and English." In fact, all of the service minutes were special education (SE) service minutes, further described by a skill area (reading comprehension, etc.) and collaborative/ collaboration is a setting (C). Based on this it is found that the district followed federal and state regulations and their district procedures for amending the 8th grade student's IEP when transitioning to 9th grade in regard to eliminating collaboration minutes.

The next step of the investigation is to then determine if the district followed its practice when amending the 8th grade student IEPs grade in regard to eliminating collaboration minutes when transitioning to 9th grade. This was investigated in two ways. First approximately 10% of the transition amendments/PWNs for 8th graders with collaborative minutes were examined. In all cases the amendments and PWNs were accurately prepared and followed IDEA regulations and district procedures. The district had established a May 5, 2025 deadline for amendments to be completed. As the Investigator established an evidence collection deadline of April 25, 2025 the Investigator examined student documents that were completed after the training occurred, but did not include in the sample all of the records of students transitioning to 9th grade. Several of the schools had not amended any of the 8th grader's IEPs by April 25, 2025 so were not included in the investigation. In all cases it was found that the district had completed an amendment and PWN to record the service/placement changes of the 8th graders transitioning to 9th grade. Further, while changes in service minutes were discovered in the amendments, none showed a discontinuation of service minutes or services in a collab setting.

it is found that the district is *IN compliance* with following IDEA procedures when directing middle school special education case managers to amend all IEPs for students transitioning to high school in regard to collaborative service minutes.

### **Summary of Conclusions/Corrective Action**

**ISSUE ONE:** A violation of 34 C.F.R. §§300.324(a)(4)(i) and 300.324(a)(4)(ii) 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](mailto: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)