

KANSAS STATE DEPARTMENT OF EDUCATION  
SPECIAL EDUCATION AND TITLE SERVICES  
REPORT OF COMPLAINT  
FILED AGAINST  
UNIFIED SCHOOL DISTRICT #273, BELOIT PUBLIC SCHOOLS  
ON MAY 15, 2025  
DATE OF REPORT: MAY 28, 2025

This Findings of Facts report is in response to a complaint filed with the Kansas State Department of Education against USD #273 (Beloit Public Schools) on behalf of ----- by her mother ----- . In the remainder of the report, ----- will be referred to as “the student” and ----- - as “the parent” or “the complainant”.

The complaint is against USD #273 (Beloit Public Schools). In the remainder of the report, USD #273 will be referred to as “the district”. The student currently attends St. John's Catholic School which will be referred to as the “private school” in the remainder of the report. The Beloit Special Education Cooperative provides special education support for the district; however, Beloit Public Schools remains the agency responsible for the student’s educational services. In the remainder of the report, the Beloit Special Education Cooperative will be referred to as “the coop. ” School and district staff will be referred to In the remainder of this report as follows:

- Christie Gerdes, Director of Special Education

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 May 15, 2025.

### **Evidence Reviewed**

The following information was considered in this finding.

- The parent’s formal complaint documents
- An interview with the director of special education on May 16, 2025
- An interview with the parent on May 20, 2025
- An email exchange with the director of special education on May 28, 2025

During the fact finding, the Complaint Investigator, Nikki Crawford, reviewed all evidence and documentation provided by the district and the parents.

### **Finding of Facts**

The formal complaint submitted by the parent on May 15, 2025 states,

**“The district has failed to ensure [the student’s] right to a Free Appropriate Public Education (FAPE) by creating a hostile environment through retaliation and bullying, and by refusing to provide necessary services in a setting that is safe and appropriate for [the student’s] unique needs”.**

In the parent interview on May 20, 2025 the parent shared their concerns over the student’s safety for the 2025-2026 school year at the district school. Up until this time, the student has attended a private school with the district providing occupational and physical therapy consultation as well as speech therapy in the private school setting. According to the parent, the latest IEP meeting in May of 2025 plans for the student’s full time attendance at the district school for the 2025-2026 school year.

The complaint and interview with the parent confirmed the parent’s concern for the student’s safety is related to text interactions between a district staff person and the student’s father in May of 2024 as well as contentiousness between the mother and an organization engaged by the school board to pass a bond issue to fund the district in the spring of 2024. The director shared in a May 16, 2025 interview that the district staff person who engaged in text interactions with the father is not on the student’s IEP team nor works in the building where the student will attend in the fall of 2025.

PLEASE NOTE: In an email from the director to the investigator on May 28, 2025 the director clarified that the school psychologist, “works in the building but would not have direct contact or work directly with the student”.

## **Conclusion**

For a complaint to be investigated the allegations must fall within the protections of IDEA. In the May 20, 2025 interview with the parent they agreed that to date, the student has not experienced denial of FAPE, additionally the investigator lacks the jurisdiction to address the perceived hostile environment and the contentiousness between the family and the district given that it has not negatively impacted the student’s IEP services. ***The parent’s concerns do not meet the criteria for a formal investigation of special education laws and regulations and therefore will not be investigated.***

PLEASE NOTE: The clarification provided by the director regarding the school psychologist’s presence in the building the student may attend in the fall, does not have bearing on the conclusion of this Findings of Facts. The proximity of the school psychologist to the student is related to the parent’s concern that the presence of the school psychologist may potentially create a hostile environment for the student, but not relevant to the parent’s assertion that FAPE was denied.

## **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)