

KANSAS STATE DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND TITLE SERVICES

REPORT OF COMPLAINT
FILED AGAINST
UNIFIED SCHOOL DISTRICT #402
ON MAY 7, 2025

DATE OF REPORT: JUNE 6, 2025

This report is in response to a complaint filed with our office on behalf of a student, -----, by their parents, ----- . In the remainder of the report, the student will be referred to as "the Student" and the parents as "the Parents."

The Complaint is against USD # 402, Augusta Public Schools. In the remainder of the report, the "School," the "District," and the "local education agency (LEA)" shall refer to USD #402.

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 May 7, 2025, and the 30-day timeline ended on June 6, 2025.

Allegations

The following issue will be investigated:

ISSUE ONE: Whether USD #402, in accordance with state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), implemented the Student's IEP. Specifically in the Student's Social Studies class, "[The Student] was not regularly offered extended time or separate testing environments. [The Student] was not given class notes or modified assignments when needed, and [they were] frequently penalized for missed or late work without any effort made to determine whether those issues were tied to [their] learning needs." K.A.R. 91-40-16(b)(3); 34 C.F.R. § 300.323.

Investigation of Complaint

Tania Tong, the Complaint Investigator, interviewed the Parents by telephone on May 26, 2025. The following District staff were interviewed on May 23, 2025.

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. Complaint, 05/08/25
2. Email, re: [the Student], 02/03-02/04/25

3. Meeting Notes, 02/03/25
4. Email, re: agenda, 02/26/25
5. Email, re: argumentative paper, 03/23/25
6. Email, re: chivalry paper, 05/02/25
7. Email, re: [the Student], 05/07/25
8. Individualized Education Program, 11/07/24
9. Psycho-Educational Evaluation, 09/08-09/24/21
10. Report Cards, 09/16/24-04/21/25
11. Student Work Samples, No date
12. Complaint Response, no date
13. Individualized Education Program, 10/28/24
14. Email, re: [the Student], 09/03-09/04/24
15. Email, re: face review, 10/16/24
16. Email, re: [the Student] and, 12/15/24-05/13/25
17. Assignments, 08/21-12/18/24
18. Email, re: grade is below 70%..., 11/04/24
19. Meeting Invitation, 02/04/25
20. Progress Report, 01/06-02/24/25
21. Email, re: communication and update to test schedule, 02/21/25
22. Email, re: [the Student] travel, 03/28-04/29/25
23. Email, re: [the Student], 04/29/25
24. Email, re: [the Student] travel, 04/29/25
25. Email, re: [the Student], 05/07/25
26. Email, re: [the Student], 04/29/25, duplicate
27. Email, re: agenda, 02/26/25
28. Email, re: [the Student], 02/03-02/04/25
29. Test Schedule, various dates
30. Examples of Modifications, no date
31. Examples of Modifications/Student Work, no date

Background Information

This investigation involved a 6th-grade student enrolled at Augusta Middle School in USD #402. The Student is currently receiving special education or related services as a child with a disability per IDEA. The Student, who attended 6th-grade classes at the Middle School, was reportedly achieving A's in all subjects except Social Studies. The Complaint alleged that the Student's IEP accommodations, including extended time and separate testing environments, were not consistently provided. Additionally, the Student purportedly did not receive modified

assignments when necessary and was often reported to have submitted work that was either missed or late. The Student was to receive test accommodations in an alternate setting in the resource room.

Findings of the Investigation

The following findings are based on a review of documentation and interviews with the Parents and staff in the District.

1. The Student is eleven years old and attends 6th grade at a Middle School.
2. The Student qualifies for special education services under the exceptionality category of Other Health Impaired.
3. The Student's semester 1 grade report, which included assignments from August 21, 2024, through December 18, 2024, indicated that the Student had earned a 69% in 6th-grade Social Studies.
4. On September 3, 2025, the Parent and the Teacher exchanged emails regarding homework, notes from a PowerPoint, and the Student's Google Classroom login code. The Teacher offered to help the Student the next morning before first period.
5. Relevant items from the IEP dated October 28, 2024, indicated the following:
 - a. Student strengths: "[The Student] is very polite to [their] peers and teacher [at] any given time. [The Student] is shy and quiet when meeting new people but does come out of [their] shell once [the Student] gets to know them."
 - b. Student needs: "Teacher observation and report indicate [the Student] has difficulty attending for age-appropriate lengths of time, difficulty with listening, following oral and written directions, working independently, and with self-direction. [The Student] does not disrupt others, talk out of turn, appear restless, or demonstrate attention-seeking behavior."
 - c. The following Accommodations/Modifications/Supplementary Support were listed:
 - i. Read aloud in ELA, math, and for tests, in the general education and special education classrooms for the length of the test or assignment from October 28, 2024, through October 27, 2025.
 1. ii. Modified tests/assignments in all core classes, in the general education and special education classrooms for the length of the test or assignment from October 28, 2024, through October 27, 2025.
 2. iii. Quiet, separate location whenever tests were given in the MTSS room or the special education classroom for the length of the test from October 28, 2024, through October 27, 2025.
 3. iv. Notes provided in all core classes, general education classroom, and special education classroom for the length of note taking from October 28, 2024, through October 27, 2025.

4. v. Extended time for assignments was not an IEP accommodation.
5. vi. According to the meeting notes, “[The Parent] was ok with the wording, accommodations and goals set for [the Student]. No other changes at this time.” This was documented with a checked box on the meeting notes.
6. According to an Appendix: Documentation Document, the Parent shared on October 28, 2025, during the IEP meeting, the Student’s strong academic performance was highlighted along with teachers universally commending the Student and reporting A’s in all subjects except Social Studies. The primary concern identified was the high volume of assignments in Social Studies; a proposed solution involved an assignment sheet to be managed with the assistance of [the Student’s] Skills class teacher. However, this support did not materialize as the Skills teacher went on leave shortly after the meeting.
7. Between August 30, 2024, and May 1, 2025, the Teacher documented that the Student took 22 quizzes and tests in a separate testing environment.
8. Between September 16, 2024, through April 21, 2025, Progress Reports documented that the Student received the following grades in Social Studies:
 - a. September: A-
 - b. October: C+
 - c. November: D+
 - d. December: D+
 - e. February: F
 - f. March: C
 - g. April: C+
9. On November 4, 2024, the Teacher alerted the Student and the Parent that the Student had missing assignments and needed to study for a quiz.
10. In a table listing the test date, topics, and location, the notation for the November 11, 2024, “WMQ 2.3” indicated that the Student was absent and exempted from the assignment.
11. On December 15, 2025, the Teacher alerted the Resource Teacher that the Student needed to retake a test with them.
12. On February 3, 2025, the Parent emailed the Resource Teacher with concerns, “I am pretty frustrated with [the Student’s] social studies class. It was an issue in the first semester, and I just let it go and moved on. It’s pretty obvious that there are issues with only this class - [the Student] has straight A’s in all other classes. [The Student] hasn’t been given the accommodations in this class - notes, going to [the Resource Teacher’s] room for tests, etc. [The Student] took a test at the end of the year in [their] class, which shouldn’t have happened, and then got to retake it in [the Resource Teacher’s] room and got a better grade. [Their] grade in PowerSchool never changed from the initial grade. I emailed the teacher with no response. This year is off to the same start. Some Ed puzzle that was on Google [C]lassroom that

- it's due by Feb 7 [sic]. I have followed up with [the Student] a multitude of times on this about getting it done by then. Apparently, that date was incorrect on [G]oogle [C]lassroom, and it was due today. So [the Student] got a card mark for it. At this point, I want [the Student] moved out of this class to the other social studies teacher. We have had a great experience at [the Middle School] besides this issue. But this is not a positive learning environment for [the Student]. I don't feel like this class makes [the Student] motivated, resilient, curious [The Student] coming home upset from school every day shouldn't be happening." The Principal responded with possible resolutions to consider prior to changing the Student's schedule. The Parent agreed to a meeting with the Teacher, and the Principal confirmed that the goal was to make sure "...[the Student] receives the support outlined in [their] IEP and has a learning environment that allows [the Student] to perform at [their] best."
13. On February 5, 2025, the Parent attended a meeting during which a prepared document outlining their concerns was shared. The proposed solution from this meeting was for the Social Studies Teacher to daily record assignments in the Student's agenda for parental review. However, according to the Parent, it proved ineffective due to the Student's documented ADHD, which contributed to disorganization, inconsistent agenda use, and the Student's discomfort in engaging directly with the Social Studies Teacher.
 14. On February 21, 2025, the Teacher emailed the Parent describing that they moved Monday's test to Wednesday due to school closings, and that the Student was overheard expressing concern about their Parent's reaction to the original test date. The Teacher also requested help reminding the Student to turn in their agenda daily for signatures.
 15. On February 26, 2025, the Parent and the Resource Teacher exchanged emails regarding the Student's struggle with getting the agenda signed daily by the Teacher.
 16. According to the Parent on March 23, 2025, the Student's argumentative paper was marked as late and missing on Powerschool, despite having been submitted a week prior to the revised due date. It was discovered that the Social Studies Teacher had altered the submission method, requiring the students to email the paper directly rather than submitting through Google Classroom, where parents access assignment information. This necessitated an additional email to rectify the situation, after which the paper was marked, turned in, and subsequently graded.
 17. On May 7, 2025, the Resource Teacher emailed the Parent, "[The Student] was asked for [their] notebook yesterday and did not turn it in. The manner and notebook were given to [the Teacher] today, and the manner assignment is due this week, and it will be updated in the grade book soon. We are close to the end of the year and [the Student] has a test tomorrow in Social Studies [sic]."

According to the Parent, on May 7, 2025, the Student received a zero on a Social

Studies assignment, despite it being completed and present in the Student's notebook upon the Student's return from vacation. The Social Studies Teacher had previously indicated that they had reviewed the Student's work together; however, when questioned via email, the Resource Teacher stated the Student was supposed to submit their binder, even though the assignment was found in the Student's notebook on May 1, 2025, the date the Social Studies Teacher claimed to have gone through all of the Student's work.

18. On May 8, 2025 according to a Formal Complaint regarding the Social Studies Teacher, the Parent indicated, "Our most serious concern is that [the Student's] Individual Education Program (IEP), which is in place to ensure [they receive] the accommodations legally entitled to [the Student] as a student with disabilities, has not been followed consistently in [the Social Studies Teacher's] classroom. The accommodations in [the Student's] IEP stem from [their] diagnosis of ADHD (inattentive type), Dyslexia, and Dyscalculia [sic], which were formally identified by a licensed psychologist in 2021. [The Student's] educational evaluations clearly outline the need for modified assignments, extended time on tests, opportunities to take assessments in distraction-free environments, and the breaking down of large tasks into manageable parts with appropriate support. However, these supports have been inconsistently provided in this class, and, at times, entirely ignored. ... not regularly offered extended time or separate testing environments."
19. According to a District Response Formal Complaint Document with no date, "Upon interview, the Inter Special Education Teacher stated, '[The Student] has always been given a separate testing environment and most often [the Student] comes to my room for [their] test. The only time [they] did not come to my room was for this last test and [the Social Studies Teacher] created a separate space in [their] room to administer the test because [the Student] had been gone on a vacation and [the Social Studies Teacher] wanted to help [them] with the test to make sure [they] understood the material and the questions. [The Social Studies Teacher] had come to talk to me about this prior to the test, and we agreed it was a good thing.' Between August 30, 2024, and May 19, 2025, the Student took tests with the Special Education Teacher thirty-one times.

During interviews with the District, "Both [Ms. the Social Studies Teacher and the Inter Special Education Teacher] refuted allegations that [the Student] was not offered or given class notes. [The Social Studies Teacher] stated that [the Student] consistently received PowerPoints in print or via Google Classroom, and for each unit, [the Social Studies Teacher] provided students with a packet of necessary papers, a practice implemented during COVID-19 to keep students on track. [The Social Studies Teacher] specifically recalled giving [the Student] a prepared packet for an upcoming unit the week before [their] vacation, walking [them] through it, and gluing it into [their] notebook page by page to match [their] own. [The Social Studies Teacher] explained that later materials would be available on Google Classroom and that the packet included modified Clozed notes for accessibility, with

only the final Crusades page withheld for in-class completion after the Student's return. [The Inter Special Education Teacher] corroborated this, stating that [the Social Studies Teacher] consistently provided [the Student] with modified notes, either printed or available on Google Classroom, and [the Inter Special Education Teacher] had no concerns about the provision of support in [the Student's] class.

20. According to non-dated assignment work samples from the Parent, the Student had to handwrite notes on several Essential Question Handouts. The Student also answered comprehension questions and character analysis descriptions regarding Gilgamesh, which were all handwritten responses. There was one worksheet on the Byzantine Civilization, which had a subject web with handwritten responses that were not written by the Student. Copies of the Student's notebook showed several cut-out and pasted pictures with handwritten notes by the Student. Several of the handwritten assignments had "late" noted at the top with numerical scores. One work sample titled Early Greek had prewritten sentence starters with fill-in-the-blank questions and pasted character depictions on it.

District Interview:

21. On May 23, 2025, during an interview with the Complaint Investigator, the Social Studies Teacher shared, "Any time [the Student] has assignments that [the Student] needed to work on, [the Student] was allowed to leave with our para and to work on those assignments. And then when [the Student] was done, [the Student] came back into the classroom." The Social Studies Teacher indicated that the amount of time the Student left the classroom to work on assignments depended on how many assignments were in each unit of study. The Social Studies Teacher indicated that if the Student owed work, the Student went out with the Para to work on whatever was missing, and when the work was completed, the Student came back into the classroom. The Student had the Para's notebook to look off of for any dates or on Google Classroom, or their own agenda. According to the Social Studies Teacher, the Student was never denied access to come back into the classroom. The Social Studies Teacher shared that it took the Student a few minutes to complete the dates on the Table of Contents.

When asked about changing the way to submit the Student's argumentative paper without posting a new way of submitting it on Google Classroom, the Social Studies Teacher responded, "It was sent through [a Classroom Teacher's account]. Google Classroom only allowed that one teacher to access it. So, because it was a duo assignment, I had requested they send it to me by email. ... I was locked out of it." The Social Studies Teacher indicated the Student's assignment was sent through Google Classroom around March 4, 2024, according to the Parent. The Social Studies Teacher felt that was "probably around that time."

The Social Studies Teacher shared that there was a verbal agreement after a Parent meeting with the Principal, the Social Studies Teacher, and the Parent to have the

Student's agenda signed each day to show that there was constant communication between the Social Studies Teacher and the Parent if there was any homework. When asked if that worked, the Social Studies Teacher stated, "I didn't know. I would ask [the Student] for it. [The Student] would forget to give it to me on multiple occasions."

The Social Studies Teacher indicated the Parent only signed the agenda "once or twice that I can recall." The Social Studies Teacher stated the agenda was passed on to the Resource Teacher, who would then send notices home. The Social Studies Teacher said that the Parent and the Social Studies Teacher were the only two people who were supposed to sign the agenda.

The Assistant Director of Special Education shared, "I'm just looking back through the issue that in accordance with State and Federal Guidelines, specifically in Social Studies class, the [S]tudent was not regularly offered extended time, which was not even an accommodation"

The Assistant Director of Special Education shared regarding the Complaint, "One of the things that was listed was extended time. That's not even on the IEP, and all of the other accommodations, [the Social Studies Teacher] was able to show that [the Social Studies Teacher] absolutely provided those."

Parents Interview:

During a Parent Interview with the Complaint Investigator on May 26, 2025, the Parents shared that at the October IEP meeting each core teacher reported that the Student was succeeding and had all A's, except for a D or F in social studies. The Social Studies Teacher didn't acknowledge the possibility of their own teaching methods contributing to the Student's issues, according to the Parents. Consequently, no changes were deemed necessary for the IEP itself, and it was suggested that the Social Studies Teacher adhere more closely to the existing IEP to aid the Student's success according to the Parents.

The Parents shared that the Student's D/F in social studies stemmed from a high volume of assignments compared to other classes. The Student's two social studies notebooks, totaling 215 pages of handwritten notes, indicated the extensive workload. Despite an IEP provision for notes to accommodate the Student's dyslexia, the Student was still required to handwrite everything, which was challenging given their condition and ADHD. This led to the Student feeling overwhelmed, and messages about assignments often failed to translate clearly from school to home.

The Parents' shared attempts to seek clarification from the Social Studies Teacher were met with dismissiveness, with the Social Studies Teacher directing inquiries to Google Classroom and stating the Student, "should know what's going on." This lack of support from the Social Studies Teacher contributed to assignments not being turned in according to the Parents..

Additionally, the Student often lacked paraprofessional support in class, leading the Student to set aside tasks that they didn't understand. Tests were also not administered in a separate environment with questions read aloud, as mandated by the Student's IEP, due to alleged para shortages or the perceived brevity of the tests. The Parents indicated that tests were typically posted on Google Classroom as a Google form. The Parents were not sure "how that was a modified test."

The Parents indicated the Student's social studies notebook was filled with handwritten notes, despite the expectation that on the IEP, the Student would be provided with pre-written notes. Although the Social Studies Teacher claimed to provide notes via Google Classroom, this still required the Student to copy them, which was particularly challenging for a student with dyslexia and ADHD. A significant concern was that the Student was not consistently given the opportunity to take tests in a separate room, a crucial accommodation in their IEP. The Student grew increasingly hesitant to advocate for themselves with the Social Studies Teacher, who was perceived as loud, outspoken, and blunt, leading the Student to take tests in the regular classroom to avoid conflict. A critical concern for the Parents was the inconsistent provision of a separate testing environment, which was an IEP accommodation. The Student was reluctant to self-advocate to utilize a separate testing environment, according to the Parents.

The Parents stated that following a Complaint from the Student's Parents to the Principal about the Student's struggles in social studies class, a meeting was arranged, during which the Social Studies Teacher became defensive when confronted about the Student's intimidation regarding the Social Studies Teacher. Shortly after this meeting, the Social Studies Teacher reportedly singled out the Student in class, loudly offering help in a manner that the Student perceived as bullying and humiliating. Despite the Student's actual need for assistance, the Student refused it to avoid further attention.

When asked about the schedule change for the Student, which flipped math and social studies to resolve the para support issue, the Parents said that by doing the switch, it would allow the Student to have more para support. The Parents indicated that they didn't notice a big change in how things were going. The Special Education Teacher, who was also the coordinator of the paras, was expected to ensure IEPs were followed and facilitate testing in a separate room. Yet, the Special Education Teacher rarely communicated with the Student's Parents. It was later discovered through the Social Studies Teacher Complaint response that, following a February meeting, the Principal instructed the Social Studies Teacher to cease direct communication with the Student's Parents. Consequently, the Special Education Teacher or the Principal became the intermediaries for all communication regarding assignments, leaving the Student's Parents feeling "ghosted" by the Social Studies Teacher, as this change in communication protocol was never directly conveyed to them.

Positions of the Parties, Applicable Regulations, and Conclusions

Issue One

Whether USD #402, in accordance with state and federal regulations implementing the IDEA, implemented the Student's IEP. Specifically in the Student's Social Studies class, "[The Student] was not regularly offered extended time or separate testing environments. [The Student] was not given class notes or modified assignments when needed, and [they were] frequently penalized for missed or late work without any effort made to determine whether those issues were tied to [their] learning needs." K.A.R. 91-40-16(b)(3); 34 C.F.R. § 300.323.

According to K.A.R. 91-40-16(b)(3), an IEP must be in effect for each exceptional child at the beginning of each school year.

The Parent alleged that the accommodations of extended time and separate testing sessions were not consistently followed in the Student's social studies class.

The District acknowledged that the Parents' Complaint focused on concerns regarding the Student's Social Studies class with the Social Studies Teacher, specifically alleging that accommodations for extended time, a separate testing environment, access to class notes, and modified assignments were not implemented. However, the investigation narrowed the scope to issues relevant to IDEA. It was noted that the Student's IEP, dated October 28, 2024, listed accommodations for read-aloud support, modified tests/assignments, a quiet testing location, and provided notes. Crucially, "extended time" was not an accommodation on the Student's current IEP or previous IEPs, and the Parent had previously agreed to the IEP's wording. Despite "extended time" not being a listed accommodation, the Social Studies Teacher stated that all students were permitted to submit late or missing assignments until the unit test, a policy outlined in their syllabus, and to which the Parent had seemingly agreed.

The Social Studies Teacher detailed several modifications they consistently implemented for assignments and tests. These included the use of cloze notes and graphic organizers, incorporating diverse learning styles (hands-on, auditory, visual), and frequently repeating directions while also providing access to Google Classroom materials. Furthermore, [the Student] was permitted to use notes on certain tests, such as the Middle Ages and End of the Year notebook tests. Tests were often modified to have fewer answer choices, and assignments like GRAPES were shortened. Vocabulary and other notes were presented as fill-in-the-blank rather than open response. For complex maps, the Social Studies Teacher led the class through labeling locations together, and the Student frequently utilized the online textbook with headphones, which provided a read-aloud function.

The IEP dated October 28, 2024, highlighted the Student's politeness and initial shyness that dissipated once comfortable with others. However, the Student demonstrated needs in areas

such as sustained attention, following directions (both oral and written), and independent work, though these difficulties did not manifest as disruptive behaviors. To address these needs, the IEP prescribed accommodations including read-aloud support for ELA, math, and tests in the general education and special education classrooms; modified tests and assignments across all core classes; a quiet, separate testing location; and provided notes in all core subject classes. These supports were implemented from October 28, 2024, through October 27, 2025.

Between August 30, 2024, and May 1, 2025, the Student completed 22 quizzes and tests in a separate testing environment. During this period, the Student's Social Studies grades fluctuated, starting with an A in September 2024, dropping to an F by February 2025, and then improving to a C+ by April 2025. The Social Studies Teacher noted on November 4, 2024, that the Student had missing assignments and needed to prepare for an upcoming quiz. Additionally, the Student was absent and exempted from the "WMQ 2.3" on November 11, 2024. On December 15, 2024, the Social Studies Teacher requested that the Student retake a test with the Resource Teacher as indicated on the IEP accommodations section. Extended time for assignments was not an accommodation listed on the IEP.

On February 25, 2025, the Parent attended a meeting where concerns were raised and a solution was proposed: the Social Studies Teacher would daily record assignments in the Student's agenda for parental review. However, this proved ineffective, due to the Student's disorganization, inconsistent agenda use, and discomfort in directly engaging with the Social Studies Teacher. On February 21, 2025, the Social Studies Teacher emailed the Parent, explaining that a test had been moved due to school closings and noting the Student's expressed concern about the Parent's reaction to the original test date. The Social Studies Teacher also sought assistance in reminding the Student to submit their agenda daily for signatures. By February 26, 2025, the Parent and Resource Teacher were exchanging emails regarding the Student's difficulties in getting the agenda signed daily. This was not a listed accommodation on the current IEP.

Work samples provided by the Parent showed eight pages of handwritten notes along with pasted cutouts of historic pictures on the note pages. The work samples also showed three fill-in-the-blank questions and note pages, as well as notes copied by another person, not the Student. The IEP accommodation involving note taking states, "Notes provided in all core classes, general education classroom, and special education classroom for the length of note taking from October 28, 2024, through October 27, 2025." Because of the high volume of the Student handwritten notes in their Social Studies notebook, the indication is that notes were not provided on all assignments in social studies, just a few.

Based on the foregoing, according to IDEA and Kansas special education regulations, it is substantiated that the district *failed to implement* the Student's IEP, specifically, providing notes to the Student in their social studies class.

Corrective Action

Information gathered in the course of this investigation has substantiated noncompliance with special education statutes and regulations. A violation occurred in the following area:

- A. Federal regulations at K.A.R. 91-40-16(b)(3); 34 C.F.R. § 300.323. specifies that an IEP must be in effect for each exceptional child at the beginning of each school year.

In this case, the evidence supports the finding that USD #402 to implement the Student's IEP, specifically, providing notes to the Student in their social studies class.

Documentation, Interviews, and the Parties Responses document this.

Based on the foregoing, USD # 402 is directed to take the following actions:

1. Within 15 calendar days of the date of this report, USD # 402 shall submit a written statement of assurance to Special Education and Title Services (SETS) stating that it will comply with state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA) at K.A.R. 91-40-16(b)(3); 34 C.F.R. § 300.323. specifies that an IEP must be in effect for each exceptional child at the beginning of each school year.
2. Implement the IEP accommodation of "notes provided in all core classes."
3. Further, by September 6, 2025 USD #402 will complete the following:
 - a. Submit a written statement of assurance to Special Education and Title Services (SETS) that the district's practices and procedures for IEP implementation have been reviewed and revised as appropriate to be responsive and compliant with IEP implementation procedures of the IDEA and the Kansas Special Education for Exceptional Children Act.
 - b. Provide verification that all staff who implement and supervise the implementation of IEPs have been trained in IEP implementation.

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)