

KANSAS STATE DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND TITLE SERVICES
REPORT OF COMPLAINT
FILED AGAINST
UNIFIED SCHOOL DISTRICT #287, WEST FRANKLIN PUBLIC SCHOOLS
ON MARCH 31, 2025
DATE OF REPORT: JUNE 20, 2025

This report is in response to a complaint filed with the Kansas State Department of Education against USD #287 West Franklin Public Schools on behalf of -----, by her mother, ----- . In the remainder of the report, ----- will be referred to as “the student.” ----- is the student’s mother and in the remainder of the report she will be referred to as “the complainant,” or “the mother.”

The complaint is against USD #287 West Franklin Public Schools. In the remainder of the report, USD #287 will be referred to as “the district.” The District utilizes Three Lakes Educational Cooperative (TLEC) for some special education services. In the remainder of this report TLEC will be referred to as “the coop.” It is recognized that while TLEC provides special education services to the West Franklin Public Schools the district is ultimately responsible for the special education services for the student.

The Kansas State Department of Education (KSDE) allows for a 30-day timeline to investigate a complaint from the date in which it was filed. A complaint is considered filed on the date in which it was received by KSDE. In this case, the KSDE initially received the complaint on March 31, 2025. On April 10, 2025, the district and complainant signed an agreement to engage in mediation. On May 14, 2025 mediation occurred and was unsuccessful for any of the ten issues, so the investigation was resumed. The revised timeline for completion of this investigation is revised to end on June 12, 2025. Subsequently the investigator requested and was provided an extension to June 20, 2025.

Evidence Reviewed

During the investigation, the Complaint Investigator Dr. Donna Wickham reviewed all documentation provided by the district and the Mother. The following was used in consideration of the issues. It is noted that some documentation provided was older than 12 months and while reviewed for context, it was not used in determining the findings.

- Happy Numbers Overall Progress August 27, 2024 through December 5, 2024
- Email from School Psychologist, (Amy Redmon) to principal (Chris Robertson), two general education teachers (Lacie Brandt, Rebecca Cruce), and Mother dated November 13, 2024 at 3:36 p.m.
- Email exchange between principal, mother, two general education teachers and school psychologist dated between November 13, 2024 at 9:22 a.m. and December 3, 2024 at 3:08 p.m.

- [School] SIT Team Request dated November 14, 2024
- Email from MIS Data Clerk to Gifted Facilitator (Kelly Deweese), Special Education Facilitator (Alissa Smith) and School Psychologist dated November 26, 2024 at 9:12 a.m.
- Letter from Director of Special Education (Caroline Green) to Parents dated November 26, 2024
- Email exchange between Director of Special Education and Mother dated between December 1, 2024 at 9:15 a.m. and December 3, 2024 at 4:28 p.m.
- Audio recording of the December 6, 2024 meeting provided by the Mother, 49.29 in length
- Prior Written Notice for Evaluation or Reevaluation and Request for Consent dated December 6, 2024, parent signed consent on December 6, 2024 at 9:11 a.m.
- General Education Intervention Background Information/Referral Form and Social/Emotional Information Checklist documents signed by Mother, General Education Teacher 2, Gifted Facilitator, Principal and School Psychologist including handwritten notes on December 6, 2024 and approved on December 18, 2024
- Parent phone contact logs dated between December 6, 2024 and May 15, 2025
- Email from Gifted Facilitator to School Psychologist dated December 12, 2024 at 11:06 a.m.
- Email exchange between Mother and School Psychologist dated between February 3, 2025 at 8:03 a.m. and 8:53 a.m.
- Email exchange between Mother and School Psychologist dated February 24, 2025 between 9:12 a.m. and 10:08 p.m.
- Notice of Meeting dated February 26, 2025
- Printout of team members who viewed the February 26, 2025 NOM.
- Draft Evaluation Team Report – Initial Evaluation Parent Given/Mailed Copy February 26, 2025
- Audio recording of the February 26, 2025 meeting, 1:43.07 in length
- Prior Written Notice for Identification dated February 28, 2025
- Email from Director of Special Education to Mother dated March 3, 2025 at 3:24 p.m.
- Letter from MIS Data Clerk, TLEC (Tabatha Llamas) to whom it may concern documenting parent letter and parent rights dated March 3, 2025
- Email from Director of Special Education to Mother dated March 3, 2025 at 3:35 p.m.
- Email exchange among Mother, MIS Data Clerk and Director of Special Education dated between March 5, 2025 at 2:06 p.m. and 3:01 p.m.
- Email from Director of Special Education to Mother dated March 6, 2025 at 5:40 p.m.
- Notice of Meeting dated March 11, 2025
- Email from Special Education Director to Mother dated March 24, 2025 at 4:43 p.m.
- Draft 2 Evaluation Team Report – Initial Evaluation Parent Given/Mailed Copy March 26, 2025
- Notice of Meeting dated March 26, 2025
- Printout of team members who viewed the March 26, 2025 NOM. Yes - Mother, general education teacher 1
- Email from School Psychologist to Mother dated March 27, 2025 at 12:56 p.m.
- Prior Written Notice for Evaluation or Reevaluation and Request for Consent dated May 14, 2025 with signed parent consent on May 15, 2025

- District Response dated May 28, 2025
- Individual Benchmark Report: aReading, AUTO LG GOM and aMath Fall 2023-Spring 2025
- FastBridge Fall 2023-Spring 2025 Reading and Math
- Attendance and grades from PowerSchool dated Quarter 2, 2024-2025 school year
- Coop Special Education Policies, Practices & Procedures 2024-2025
- [District] calendar 2024-2025 school year

The Investigator first spoke with the Mother by phone on April 2, 2025 and again on June 15, 2025. The Investigator spoke with the Special Education Director by phone on April 2, 2025 to clarify the issues and discuss requested evidence. The Investigator interviewed Caroline Green, the Coop Special Education Director, Amy Redmon, the School Psychologist, and Matt Brenzikofer, the District Superintendent, on June 11, 2025 by phone conference.

Background Information

The student is a nine-year-old third grader who is not currently eligible for special education and related services. The student has a medical diagnosis of ADHD and anxiety, and documentation was provided on February 26, 2025. The Mother requested a gifted evaluation for the student on November 13, 2024. The district responded with a Prior Written Notice on November 26, 2024 consenting to the gifted evaluation and discussed GEI. On December 6, 2024, the student's learning discussed at a SIT meeting with the mother present. At this time, the Mother described the ADHD and anxiety diagnosis and evaluation implications. The mother consented to the evaluation and a meeting was held on February 26, 2025 to discuss the evaluation findings. The findings from the February 26, 2025 evaluation was that additional testing and consideration would be given to the student's medical diagnoses of anxiety and ADHD. Consent for this additional evaluation was not provided by the mother. A second Prior Written Notice was provided to the Mother on March 6, 2025 to gain consent to conduct the parent-requested evaluation but was not signed. A planned March 26, 2025 evaluation meeting was held but the mother did not attend. This Child complaint was filed during this time and paused for Mediation. The Mediation was unsuccessful so the investigation continued following May 15, 2025.

A new initial evaluation to consider eligibility for gifted services is currently underway after the Mother signed consent on May 15, 2025. The actions on behalf the student regarding the May 14, 2025 Prior Written Notice will not be investigated as they constitute a new evaluation and timeline.

Issues Investigated

It is noted that the IDEA has no application to children who are being evaluated only for gifted eligibility and therefore Kansas statutes and regulations will be used throughout when referring to only evaluation issues.

ISSUE ONE: Did the district follow IDEA (Kansas) regulations when providing procedural safeguards in response to a parent's written request for a gifted evaluation?

ISSUE TWO: Did the district follow IDEA (Kansas) regulations when responding to a parent request for a gifted evaluation? (It is recognized that Issue One is considered part of following IDEA regulations and for the sake of understanding these two issues are reported together.)

ISSUE THREE: Did the district follow IDEA regulations when responding to a parent request to correct student records?

ISSUE FOUR: Did the student's gifted evaluation report include all of the evaluation collected as part of the comprehensive evaluation according to IDEA (Kansas) regulations? (Issues Four and Nine were investigated individually, but reported together since they both address the completeness of the evaluation report)

ISSUE FIVE: Did the district follow IDEA (Kansas) regulations when providing notice for the February 26, 2025 meeting on February 23, 2025 and for the March 26, 2025 meeting sent on February 26, 2025?

ISSUE SIX: Did the district follow IDEA (Kansas) regulations to conduct a comprehensive gifted evaluation for the student?

ISSUE SEVEN: Did the district conduct the comprehensive gifted evaluation for the student within timeline?

ISSUE EIGHT: Did the March 3, 2025 (corrected to March 6, 2025) Prior Written Notice follow IDEA (Kansas) regulations?

ISSUE NINE: Did the second draft of the Student's evaluation report (sent and dated March 24, 2025) contain agree-upon additional information discussed during the February 26, 2025 team meeting according to the IDEA (Kansas) regulations? (The findings of Issue Nine are included within Issue Four since they both address the Evaluation report).

ISSUE TEN: Did the district follow IDEA (Kansas) regulations in maintaining and providing adequate meeting records?

Issues One and Two

Did the district follow IDEA (Kansas) regulations when providing procedural safeguards in response to a parent's written request for a gifted evaluation? (Issue 1)

Did the district follow IDEA (Kansas) regulations when responding to a parent request for a gifted evaluation? (Issue 2)

Applicable Law

Kansas state statute at K.S.A. 72-3430(e) require that a copy of the procedural safeguards/rights must be given to the parents only one time a school year, except that a copy also must be given to the parents upon initial referral or parent request for evaluation.

Kansas State Statute at 72-3428(a)(2) states that an initial evaluation may be initiated either by the parent of a child or by an agency. In Kansas, when a parent requests an initial special education evaluation, the school district is required to respond **without unnecessary delay**—typically **within 15 school days**—by either obtaining written parental consent to begin the evaluation or providing a written notice explaining why it is refusing the request (p 56, Kansas State Department of Education Kansas Special Education Process Handbook)

Parent Position

The Mother alleged that after submitting a written referral for a gifted evaluation on November 13, 2024 the Mother and School Psychologist engaged in a back and forth conversation and during this time the Mother was not provided with a copy of the Procedural Safeguards. The Mother further alleged that instead of following the IDEA procedures for responding to a written parent request for an initial evaluation with a Prior Written Notice, the School Psychologist instead responded, "I have reviewed [Student's] latest FastBridge scores done in September of this year. [Student] scores need to be at least at the 95th percentile and above in one subject area to be considered for gifted services. [Student] did not score at that percentile in the Fall."

District Position

The district responded that on November 13, 2024, the Mother submitted a written request via email for a gifted evaluation on November 13, 2024. On November 26, 2024 the Special Education Director, sent a letter to the Mother acknowledging the request for evaluation and included a copy of the Parent Rights (procedural safeguards) for Special Education. On December 1, 2024, the Mother confirmed receipt of these documents in an email to the Director of Special Education. On December 6, 2024, the district convened a Student Intervention Team (SIT) meeting with the Mother present. During this meeting, the GEI process was initiated, collecting input from Mother. On the same day, the district provided the Mother a Prior Written Notice indicating its intent to conduct an initial evaluation and obtain informed consent, which was electronically signed by the mother on December 6, 2024.

Analysis: Findings of Fact

The district acknowledged in their response that it received the parent's written request for a gifted evaluation on November 13, 2024.

The [Coop] Special Education Policies, Practices & Procedures 2024-2025 states on page 4, "A copy of the Parent Rights in Special Education Notice must be provided to both parents and in

the native language of the parents/adult student or other mode of communication used by the parents/adult student: a referral or parent request for initial evaluation". Further, on page 17, listed in the Steps to follow for an Initial Evaluation following Step 1, Referral, Step 2 states, "Parent Rights-provided at time of referral in the parent's native language."

The school psychologist reported during the June 12, 2025 interview with the investigator that the school psychologist had not worked with the student previously so reviewed existing current classroom-based, local, or state assessments, talked with the student's classroom teacher and did not find anything to indicate a gifted evaluation. Following this, the school psychologist called the Mother sharing her initial findings and requesting information from the Mother about the gifted evaluation. The school psychologist further stated that her describing that the student test scores was not an attempt to thwart the evaluation process, but an attempt to describe to the Mother the existing data in regard to a gifted evaluation and the call was to gather parent input for consideration of the evaluation.

A letter addressed to the student's parents from the Director of Special education dated November 26, 2024 acknowledged the parent request for an initial evaluation. The letter further acknowledged the district's responsibilities as "Provide parents with a copy of the Parent Rights document" The letter further stated, "I have enclosed a copy of the Parent Rights document in your native language. Staff are available to further explain your parental rights should you request additional information. " Finally, the letter documents, "Enclosure: Parental Rights Document"

The SIT meeting on December 6, 2024 discussed the role of GEI and the District provided a Prior Written Notice to evaluate the student for gifted services.

The elementary school calendar documents that November 27-29 were school holidays.

Conclusion

Written document and both parties acknowledge that the request was made on November 13, 2024 and the district provided the procedural safeguards on November 26, 2024. November 13, 2024 – November 26, 2024 is within the fifteen school day timeline in which to respond to a parent's request for an evaluation. The Notice of Procedural Safeguards is part of that response. The requirement that the Notice of Procedural Safeguards be provided "upon request" means only that the "request" triggers the response requirement but does not require that the response be immediate. Whenever the special education law requires the district to do something, but does not specify a specific time in which to do it, it should be done within a reasonable time (which Special Education and Titel Services (SETS) has described in the Kansas Special Education Process Handbook, to be within 15 school days, unless there are unusual circumstances justifying a longer time. In this instance, the district provided the Notice of Procedural Safeguards well within the "reasonable time" period described by SETS.

Further, it is found that the District acted properly in reviewing existing data and reaching out to the Mother to discuss the evaluation request. Finally, the District responded to the Mother requested gifted evaluation within a reasonable timeframe – 14 days.

No violation of law has occurred with regard to this issue

Issue Three

Did the district follow IDEA regulations when responding to a parent request to correct student records?

Applicable Law

Federal regulations at 34 C.F.R. §300.618 states that a parent who believes that information in education records collected, maintained, or used is inaccurate or misleading or violates the privacy or other rights of the child may request the participating agency that maintains the information to amend the information. The agency shall decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request. If the agency decides to refuse to amend the information in accordance with the request, it shall inform the parent of the refusal and advise the parent of the right to a hearing under Sec. 300.619.

If the school does not agree that the education records should be changed, staff must provide an opportunity for a hearing, following FERPA requirements. The hearing officer would be the school's hearing officer, not a special education due process hearing officer (34 C.F.R. 300.618).

NOTE: Federal Regulation 300.618 is incorporated by reference into Kansas regulations pursuant to K.A.R. 91-40-50(b).

Parent Position

The Mother alleged that on March 4, 2025, she requested the Prior Written Notice dated December 6, 2024 be amended to reflect that the document was emailed, not hand-delivered. She further requested that if the correction was not made that the Mother's request be added to the student records. The Mother stated that the correction was not made and the letter requesting the change was added to the student record.

District Position

The District responded that on March 4, 2025, the Mother requested the December 6, 2024 Prior Written Notice, signed by the Mother on the same day be corrected to reflect that the document was emailed, not hand-delivered, and that the email delivery date of March 4, 2025 be updated. The District also stated that the Mother requested, that if the PWN is not correct, that the Mother's statement regarding the discrepancy be included in the record. The Special Education Director, sent an email acknowledging the Mother's correction request and explained that the Prior Written Notice was reviewed and electronically signed in person using

an electronic device on December 6, 2024 so would not change the delivery date to March 4, 2025. The Director of Special Education also stated that the Mother's request for correction and the district's response would be uploaded to the student's record, thereby documenting the concern and the clarification.

Analysis: Findings of Fact

The findings of Issues One and Two are incorporated herein by reference.

Email and in person conversations following the December 6, 2024 SIT meeting through March 3, 2025 document that the Mother disputed the December 6, 2024 Prior Written Notice that stated that the Prior Written Notice was hand-delivered as she did not receive a paper or electronic copy until March 3, 2025.

On February 27, 2025 at 7:45 p.m. the Mother emailed the Director of Special Education, "formally requesting access to all of the records that [the Coop] has for the evaluation of [Student] at [School], including but not limited to Notice of Meetings and Prior Written Notices." Upon receiving the December 6, 2024 Prior Written Notice, the Mother emailed the Special Education Director, "I am writing in reference to the Prior Written Notice dated 12/6/24, which states that the document was "hand delivered" to me on that date. I would like to formally request that the record be amended to accurately reflect the circumstances and date under which I received this document."

On March 5, 2025 at 1:34 p.m. the Special Education Director replied in an email to the Mother, "We have included your correspondence regarding the Prior Written Notice dated December 6, 2024 in [Student's] special education records. The Prior Written Notice was reviewed with you December 6, 2024 and you signed the Prior Written Notice electronically at the SIT meeting. An electronic copy of the Prior Written Notice for consent to complete an initial gifted evaluation was provided to you via email Monday, March 3, 2025. The Prior Written Notice dated December 6, 2024 will not be amended."

On March 5, 2025 at 2:00 p.m. the Mother replied, "I would like to clarify. Will the delivery statement on the Prior Written Notice that reads "I, [School Psychologist], hand delivered...on December 6th" be removed from the previous copy of the Prior Written Notice? If so, will it be replaced with a corrected statement about how it was emailed and the date? If not, can you please explain why? Lastly, I would like an updated copy of the fixed Prior Written Notice as well as the attachments for my records." To this request, the Special Education Director replied, "We have included your correspondence regarding the Prior Written Notice dated December 6, 2024 in [student's] special education records. The Prior Written Notice was reviewed with you December 6, 2024 and you signed the Prior Written Notice electronically at the SIT meeting. An electronic copy of the Prior Written Notice for consent to complete an initial gifted evaluation was provided to you via email Monday, March 3, 2025. The Prior Written Notice dated December 6, 2024 will not be amended."

The District stated during their June 12, 2025 interview that their general practice is to provide the Prior Written Notice at the meeting after the report is finalized, in this case it was planned at February 26, 2025. They further stated that since this eligibility meeting did not result in a finalized report the Prior Written Notice was not provided.

Conclusion

It is found that the Mother requested that the December 6, 2024 Prior Written Notice be revised on March 4, 2025. The Prior Written Notice is an educational document and as such when the District refused the Mother's request, which is their prerogative, the district should have advised the Mother of her right to a hearing under Sec. 300.619.

Therefore, *it is found that the District committed a procedural error. A substantive error is not found.*

Issues Four and Nine

Did the student's gifted evaluation report include all of the evaluation collected as part of the comprehensive evaluation according to IDEA (Kansas) regulations? (Issue 4)

Did the second draft of the Student's evaluation report (sent and dated March 24, 2025) contain agreed-upon additional information discussed during the February 26, 2025 team meeting according to the IDEA (Kansas) regulations? (Issue 9)

Applicable Law

Kansas state statute at K.S.A. 72-3428(a) states that as part of an initial evaluation, the IEP team and other qualified professionals, as appropriate, shall: (1) Review existing evaluation data on the child, including evaluations and information provided by the parents of the child, current classroom-based assessments and observations, and teacher and related services providers' observations; and (2) on the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine:

Kansas State Statute at 72-3428(e)(2) requires the evaluation/eligibility team provide the parents with the Evaluation/Eligibility Report within a reasonable period of time.

Parent Position

The Mother alleged that observation data was not included in the February 26, 2025 draft of the gifted evaluation report undermining the integrity of the evaluation process and further, that the March 26, 2025 draft of the evaluation report omitted information that was explicitly discussed and agreed upon during the February 26, 2025 evaluation meeting. The information that was omitted included interviews with and observations from the general education teachers, as well as the PE and music teachers and parental input.

District Position

The district responded that the February 26, 2025 Evaluation Report addressed the data collected for the student's cognitive abilities (Wechsler Intelligence Scale for Children: 5th Edition), academic achievement (Woodcock-Johnson Tests of Achievement: 4th Edition and FastBridge District assessment scores). Further, the report included the status of relevant areas (including health, vision, hearing, social and emotional status, communicative status, and motor abilities) and General Education Intervention (GEI) Documentation Dated 12/6/2025 which provided data on the student's response to interventions, which is essential for determining the need for gifted services.

The district further responded that during the February 26, 2025 initial evaluation meeting, the Mother requested the evaluation report be revised to include the historical FastBridge assessment data, additional interviews with parents and teachers and for the evaluation finding account for how the student's anxiety and ADHD may have impacted test performance. The school team stated they updated the evaluation report to include those areas, but the Mother's concern is that the report is not updated to include the additional evaluation which they state were not conducted because the Mother did not consent to it being conducted..

Analysis: Findings of Fact

The findings of Issues One through Three are incorporated herein by reference.

The SIT Team Request dated November 14, 2024 and minutes collected during the December 6, 2024 meeting document that the team considered FastBridge Scores, Happy Numbers, input from teachers, mother, medical information describe by the mother, behavioral information described by teachers. It is noted that an observation by a gifted facilitator was completed later the same day and discussed during the February 26, 2025 eligibility meeting.

The Prior Written Notice dated December 6, 2024, with signed consent by the Mother on December 6, 2024 shows new evaluation data will be collected in the areas of intelligence and academics. Existing data will be used to examine the student's health and motor ability, vision, hearing, social/emotional and behavioral status, intelligence, academic, communicative and transition skills.

The February 26, 2025 Draft Evaluation report documented that all areas identified in the December 6, 2024 evaluation plan were completed. The draft evaluation report did not include observation data, nor input from the parent or general education teachers although the Prior Written Notice dated February 26, 2025 documents that the evaluation data from the evaluation plan were reviewed along with observation and general education intervention data.

The district stated during the June 12, 2025 interview that the February 26, 2025 evaluation report was a draft and not considered a final document, as demonstrated by writing in the Prior Written Notice changes the Mother requested and the revisions made to the March 26,

2025 version. They stated that while the observation and general education information was not in the report it was discussed and used in the eligibility decision.

The February 26, 2025 meeting notes and Prior Written Notice document the following changes be made to the existing draft evaluation report: 1) add general education information (GEI), 2) FastBridge history, 3) classroom observation occurring on December 6, 2024, and 4) input from the Mother dated December 6, 2024.

The March 26, 2026 draft of the Evaluation Report shows that the 1) GEI information was added on page 5; 2) the FastBridge history was added on pages 8-9, 3) the December 6, 2024 observation was added on page 5, and 4) input from Mother from December 6, 2024 was added on page 1.

Conclusion

Kansas State Statutes do not provide guidance as to what a report must contain, only that the report must be provided within a reasonable timeframe. A review of the December 6, 2024 Prior Written Notice and the February 26, 2025 Evaluation Report show that the plan was followed, and all of the areas outlined in the Kansas Statutes were followed. Although the report was not finalized it was provided to the parent in a reasonable timeframe. As a result, it is found that *the District is in Compliance*.

Issue Five

Did the district follow IDEA (Kansas) regulations when providing notice for the February 26, 2025 meeting on February 23, 2025 and for the March 26, 2025 meeting sent on February 26, 2025?

Applicable Law

Kansas regulations at K.A.R. 91-40-17(a)(2) state that schools must take steps to ensure that one or both parents are present at each IEP meeting or otherwise afforded the opportunity to participate in the IEP meeting. The school must provide notice of an IEP meeting to the parents for the initial IEP meeting and any subsequent IEP meetings. The notice must be provided in writing at least 10 days prior to the meeting (and inform the parents that their child is invited to attend the meeting).

Parent Position

The Mother alleged that the NOM dated February 23, 2025 proposed a meeting to take place on February 26, 2025 and the Mother did not waive their right to the 10-day notification. Additionally, 10-days were not provided in regard to who would attend the March 26, 2025 meeting when a revised Prior Written Notice was issued on March 11, 2025.

District Position

The district responded that proper notice was provided for both meetings. In regard to the February 26, 2025 Meeting, they state that on February 3, 2025 at 8:03 a.m., the school psychologist proposed the meeting date and time to the mother via email who responded on the same day at 8:14 a.m., stating, "Yes, I am currently available at that day and time." Subsequently, the formal Notice of Meeting was sent via SpedTrack on February 23, 2025 at 8:28 p.m.

In regard to the March 26, 2025 Meeting, a Notice of Meeting was emailed and mailed to the mother on February 26, 2025. On March 11, 2025, a corrected NOM was issued to include the Special Education Director, as an invited participant. This corrected NOM was also emailed and mailed to the student's mother.

Analysis: Findings of Fact

The findings of Issues One through Four are incorporated herein by reference.

February 26, 2025 Proposed Meeting

An email from the school psychologist to the Mother on February 3, 2025 at 8:03 a.m. documents that February 26, 2025 was proposed as a time and the Mother responded with availability on that day and time. Documentation shows that the Notice of Meeting was sent via SpedTrack on February 23, 2025 at 8:28 p.m.

The meeting notes show that the Mother attended and participated in the February 26, 2025 meeting.

March 26, 2025 Proposed Meeting

The Notice of Meeting dated February 26, 2025 proposed a meeting for March 26, 2025 at 3:30 p.m. and the names and roles of participants from the district were listed. The list did not include the Director of Special Education. The revised NOM dated March 24, 2025 included the Director of Special Education and was distributed to the Mother on March 11, 2025 (according to the District Response dated May 28, 2025).

Interview with the District staff on June 12, 2025 with the Investigator describe that the Special Education Director was inadvertently left off the February 25, 2025 and. concerns that the father's contact information may not have been current. As a result, a new Notice of Meeting was distributed on March 11, 2025 with current father contact and inclusion of the Special Education Director as an attendee.

The District and Mother agree that the Mother did not attend the March 26, 2025 meeting.

Conclusion

In regard to the February 26, 2025 meeting the email shows that the Mother was notified and attended the meeting, but the notice was not provided with a 10 day notice and the Mother

did not waive consent during the meeting. In regard to the March 26, 2025 meeting, The Kansas State Department of Education Kansas Special Education Process Handbook (page14) directs that the Notice of Meeting must include the titles or positions of the persons who will attend on behalf of the schools but does not have to identify the participants by name. In this case the District realized it had neglected to include the Director of Special Education who is routinely included on the Notice of Meeting and the NOM was updated on March 24, 2025.

It is found that *the District committed a procedural error* by not providing the two NOMs following the regulations with 10-day notice or securing a waiver of the 10-day requirement from the parent. The 10-day notice requirement starts over when adding or removing an invited meeting participant. *There is no substantive error in either case* as the Mother was aware of the meeting and attended and in the case of the second meeting know that an additional member was invited and did not attend.

Issue Six

Did the district follow IDEA (Kansas) regulations to conduct a comprehensive gifted evaluation for the student?

Applicable Law

State Statute at K.S.A. 72-3428(b)(1-3) require that when conducting the evaluation, the agency shall: (1) Use a variety of assessment tools and strategies to gather relevant functional, developmental and academic information, including information provided by the parent, that may assist in determining whether the child is an exceptional child and the content of the child's individualized education program, including information related to enabling the child to be involved, and progress, in the general education curriculum or, for preschool children, to participate in appropriate activities; (2) not use any single measure or assessment as the sole criterion for determining whether a child is an exceptional child or determining an appropriate educational program for the child; (3) use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

Parent Position

The Mother alleged that the evaluation was not comprehensive because the report did not include "substantive general education teacher information" only reported the student is "kind-hearted and helps those that need it. "

District Position

The district responded that on February 26, 2025, an initial evaluation meeting was held to review the draft evaluation report. During the meeting, the student's mother expressed concerns that the evaluation was not comprehensive, citing factors such as: 1) addressing the

impact of the student's anxiety and ADHD diagnoses on performance; 2) a desire to include historical FastBridge assessment data in the report; 3) requests for additional parent and teacher interviews; and 4) a need for further assessment to fully understand the student's abilities. During this meeting, a follow-up meeting was scheduled for March 26, 2025, to collect additional parent-requested data and revisit the evaluation.

Analysis: Findings of Fact

The findings of Issues One through Five are incorporated herein by reference.

As previously investigated it is found that the evaluation plan was developed and consented to by Mother on December 6, 2024. The plan includes multiple measures and ways to collect the information.

The February 26, 2025 and March 26, 2025 evaluation reports draft reports show that the planned evaluation from December 6, 2024 were completed and reported.

The Prior Written Notices dated February 26, 2025 and March 6, 2025 document that the District agreed to conducting the evaluation that the Mother requested, but did not sign consent for the District to conduct.

Conclusion

The agreed upon evaluation plan from December 6, 2024 was the last plan agreed and consented to and was completed in the February 26, 2025 evaluation report.

In this case, the Mother's complaint is that not including data and a summary of such data in the report constitutes not conducting a comprehensive evaluation. The Prior Written Notice from the February 26, 2025 meeting demonstrates that the data were collected and considered when discussing the evaluation findings. Further, the District agreed to update the report to summarize the information. As such it is found that *the District is in Compliance* with conducting a comprehensive gifted evaluation.

Issue Seven

Did the district conduct the comprehensive gifted evaluation for the student within timeline?

Applicable Law

Kansas regulations at 91-40-8(f) state that the 60-school-day timeline begins when the agency receives written parent consent to conduct the initial evaluation.

Parent Position

The Mother alleged that due to the mishandling of the evaluation process the Mother did not understand that additional consent was necessary to conduct the additional evaluation discussed at the February 26, 2025 meeting. Had the coop not failed to conduct a complete

initial evaluation and attempted to predetermine the outcome the additional evaluation would not be needed.

District Position

The District responded that the Mother's signed consent for initial evaluation was received on December 6, 2024 with an initial evaluation meeting occurring on February 26, 2024 (38 school days). At the February 26, 2025 meeting the district presented a draft evaluation report prepared by the School Psychologist and a determination was made that the student did not meet eligibility criteria for gifted services, based on Kansas Gifted Eligibility Indicators and the coop guidelines (Policies Handbook, pp. 26–28). During the meeting, the Mother raised concerns regarding the comprehensiveness of the evaluation and requested additional testing and inclusion of data not previously reviewed, such as: Historical FastBridge data, additional teacher/parent input and consideration of anxiety and ADHD diagnose. Subsequently, a follow-up meeting was scheduled for March 26, 2025 to address those concerns, however the student's mother canceled the meeting. A third meeting was scheduled for April 22, 2025; however, the parents filed a formal complaint and mediation request, postponing this meeting.

Analysis: Findings of Fact

The findings of Issues One through Seven are incorporated herein by reference.

The December 6, 2024 Prior Written Notice agreeing to conduct an initial gifted evaluation for the student was signed by the Mother on December 6, 2024.

The Kansas State Department of Education Kansas Special Education Process Handbook pages 41 and 42 proposes the following guidelines for timelines:

1. The 60-school-day timeline begins when the agency receives written parent consent to conduct the initial evaluation (K.A.R. 91-40-8(f)).
2. The initial evaluation is started within a reasonable time.
3. The initial evaluation is completed, and, on the basis of the evaluation data, the team determines eligibility for special education and related services.
4. The evaluation/eligibility team provides the parents with the Evaluation/Eligibility Report within a reasonable period of time (K.S.A. 72-3428(e)(2); 34 C.F.R. 300.306(a)(2); 34 C.F.R. 99.10(b)).
5. The school provides the parents with Prior Written Notice for proposed identification (can be combined with notice for initial services).
6. The school provides the parents with the Notice of the IEP meeting at least 10 calendar days before the meeting (K.A.R. 91-40-17(a)(2)). (NOTE: If the team believes that eligibility and IEP development may be discussed at the same meeting, the IEP Meeting Notice must describe all proposed special education decisions to be addressed at the meeting.)

7. The IEP Team meets and develops an IEP within 30 calendar days of determination of eligibility but not later than 60 school days from the receipt of written parent consent to conduct the initial evaluation (K.A.R. 91-40-8(h) and 34 C.F.R. 300.323(c)(1)).
8. The school provides the parents with Prior Written Notice and request for consent for the initial provision of special education and related services to the child.
9. Services on the IEP are implemented not later than 10 school days after written parent consent for provision of special education services is granted unless reasonable justification for a delay can be shown (K.A.R. 91-40-16(b)(2)).
10. The 60-school-day timeline ends when the IEP is implemented.

The Draft Evaluation Report dated February 26, 2025 provided the following summary and conclusions: The student has high average cognitive abilities and academic skills are similar to cognitive abilities. Further, the student has very good mathematics problem solving skills and reading and writing skills are in the average range. The Prior Written Notice dated February 26, 2025 documented that the eligibility meeting needed to be adjourned and continued on March 26, 2025.

The District reported during their June 12, 2025 interview that the evaluation data did not support finding the student eligible for gifted services. They further stated that they did not observe any concerns with the student's ADHD or anxiety impacting the evaluation results.

The February 26, 2025 and March 6, 2026 Prior Written Notices show that the Parent did not provide consent to complete the additional evaluation for the March 26, 2025 Eligibility meeting.

An email was sent from the Director of Special Education to the Mother on March 27, 2025 at 12:56 p.m. updating the Mother on the status and next steps for completing the initial evaluation, *"The initial gifted evaluation was completed and feedback provided February 26th which meets procedural guidelines. The additional assessments discussed February 26th are above and beyond what was originally planned with the consent Prior Written Notice was signed December 6th which is the reason for requesting a new consent Prior Written Notice ...The initial gifted evaluation can be updated with existing information. The intent of the meeting that was scheduled yesterday [March 26, 2025] was for the team to continue discussion from February 26th which includes reviewing and updating the evaluation report if needed."*

The Notice of Meeting dated March 26, 2025 proposed a meeting on April 22, 2025 was to review the evaluation and determine eligibility.

The Prior Written Notice for Evaluation or Reevaluation and Request for Consent dated May 14, 2025 proposed a new evaluation plan and was signed by the Parent on May 15, 2025. The explanation was that an initial evaluation is warranted to determine the student's current educational needs due to general education information to reflect current academic strengths.

Conclusion

A final decision on the student's eligibility was not made within the 60 day timeframe, in spite of the District stating that they determined the student did not meet eligibility criteria at the February 26, 2025 eligibility meeting. Instead, they agreed to pause the decision meeting and conduct additional evaluation requested by the Mother. However, the parent never signed consent for the district to complete the evaluation on February 26, 2026 nor March 6, 2025. At that point, the District did not have consent to complete any of the additional evaluation requested by the Mother and should have documented the eligibility decision based on the data that had been collected. It is noted that the District attempted to collect the parent-requested evaluation, but the Parent did not consent for it to be collected. Therefore, the district is found out of compliance for committing a procedural error by not providing a final Prior Written Notice documenting the eligibility decision with the data that was collected with consent. *The district did not commit a substantive error* affecting the child since the evaluation requested to further evaluate the student was not consented to by the Mother.

Issue Eight

Did the March 3, 2025 (corrected to March 6, 2025) Prior Written Notice follow IDEA (Kansas) regulations?

Applicable Law

Kansas State Statute at 72-3432(A) and 72-3432(B) require written notice must be given to the parent of a child with a disability whenever an agency: (A) Proposes to initiate or change; or (B) refuses to initiate or change evaluation, of the child.

Parent Position

The Mother alleged that the District failed to provide a clear and adequate explanation for issuing a new Prior Written Notice dated March 6, 2025 and attempting to impose a new 60-day evaluation timeline. At the February 26, 2025 meeting no district staff indicated that a new Prior Written Notice would be required to finalize the report. The conversation centered on improving the draft to ensure sufficient information for an eligibility decision. The Mother alleged that the Director disclosed that the March 6, 2025 Prior Written Notice would initiate a new 60 day evaluation timeline.

District Position

The district responded that on February 26, 2025, the district held an initial evaluation meeting during which the School Psychologist, verbally shared that the student did not meet the eligibility criteria for gifted exceptionality. At that same meeting, the team agreed to pursue additional evaluation, as requested by the Mother and a Consent for Additional Evaluation was prepared. Additionally, a Prior Written Notice was generated and dated March 6, 2025. (Please

note March 6th is the date of the Prior Written Notice not March 3rd.) The Prior Written Notice was created to document the district's proposal to conduct additional evaluation based on new areas of concern, in accordance with IDEA procedural requirements. A copy of the Prior Written Notice was provided to the Mother, and the content included a description of the proposed action (further evaluation), the rationale for doing so, and the parent's procedural safeguards.

Analysis: Findings of Fact

The findings of Issues One through Seven are incorporated herein by reference.

The February 26, 2025 Prior Written Notice recorded that, "The eligibility team determined after discussion that the eligibility meeting needed to be adjourned and continued on March 26, 2025 at 3:30 pm...[Mother] requested additional testing be completed. The multidisciplinary team determined that another achievement test and cognitive test would be completed due to [student] now having an understanding of who the evaluators are and what is expected." The Mother did not sign consent with this Prior Written Notice.

The Director of Special Education sent an email to the Mother on March 6, 2025 at 5:40 p.m. stating, "The eligibility team considered your input regarding what you consider an incomplete initial evaluation and agreed to obtain additional information and meet again on March 25th at 3:30 pm. A Prior Written Notice for consent to complete the additional assessments, observations, and interviews that you requested was emailed to you today, mailed, and is attached to this email for your review."

The March 6, 2025 Prior Written Notice for Evaluation or Reevaluation and Request for Consent proposed to conduct new evaluation in the areas of social/emotional status, general intelligence, academic performance, and observations completed by gifted facilitator, teacher and parent interviews completed by gifted facilitator with the explanation of "the Mother requested that additional data be collected to determine gifted eligibility. The team agreed to complete additional interviews, observations, and testing to include cognitive and achievement. Given mom's concerns of anxiety and ADHD potentially impacting [student's] performance on assessments and within the classroom more data is needed in the area of social emotional." The parent did not sign consent in response to this Prior Written Notice. Interview with the Parent on June 15, 2025 the Parent stated she received the request, but did not sign it as her understanding of this Prior Written Notice was to extend the 60 day evaluation window.

Conclusion

At the February 26, 2025 Evaluation meeting the evaluation team determined to pause the evaluation meeting until March 26, 2025 and conduct additional academic and cognitive testing along with Mother requested evaluation, however the Mother did not sign this Prior Written Notice, and the additional evaluation could not be conducted. The March 6, 2025 email and attached Prior Written Notice indicated that the Mother needed to sign consent for the

additional evaluation, but the Mother did not sign the consent to conduct the additional testing. It is noted that the March 6, 2025 Prior Written Notice included the Mother-requested evaluation which would necessitate a new Prior Written Notice to obtain consent. It is found previously in the investigation that the Mother had received procedural safeguards/rights prior to this date. Therefore, It is found that the district is in compliance with following IDEA/Kansas guidelines by issuing the March 6, 2026 Prior Written Notice.

Issue Nine (Reported with Issue Four)

Issue Ten

Did the district follow IDEA (Kansas) regulations in maintaining and providing adequate meeting records?

Applicable Law

Federal regulations at 72-3429 requires that parents and the school receive a copy of the student's IEP at no cost.

Parent Position

The Mother alleged that the District failed to maintain complete and accurate meeting notes from the March 26, 2025 meeting. For example, the Mother alleged that the Director of Special education was not initially included as a participant in the March 26, 2025 meeting but later was included. Further, the meeting's purpose was described on the document as to review evaluation and determine eligibility" while neglecting to mention that a discussion of the parental concerns would also be included.

District Position

The district responded that the coop uses the Prior Written Notice as the official record of meeting proceedings and team decisions. A Prior Written Notice dated February 28, 2025 documented the outcomes of the February 26, 2025 evaluation meeting. The February 28, 2025 Prior Written Notice included the proposal to conduct further evaluation; a description of the reasons for additional assessment; consideration of parent concerns regarding the student's performance and diagnoses; a summary of the data discussed, and decisions made during the meeting; and a record of the planned follow-up actions and the requirement for parental consent for further testing. This documentation was shared with the Mother, fulfilling the requirement that parents be informed of proposed actions and their procedural safeguards.

Analysis: Findings of Fact

The findings of Issues One through Nine are incorporated herein by reference.

The district provided Prior Written Notices following meetings occurring during the 2024-2025 school year describing the meeting and decisions.

The District described during the June 12, 2025 interview that they use the Prior Written Notice to summarize each meeting and record the decisions.

The District Policy Manual does not mention the use of meeting minutes during an IEP meeting.

Conclusion

Kansas regulations do not require school districts to collect and maintain meeting notes. As there is no state obligation to maintain meeting notes from an IEP or team meeting the Investigator interviewed the district to determine their district practices. The district reported it is their practice to memorialize the meeting decisions on the Prior Written Notice and the District manual does not mention that IEP meeting minutes should be recorded. The Investigator reviewed the Prior Written Notice s and found that the district followed its practice. Therefore, it is found that *the District is in compliance* in maintaining and providing adequate meeting records

Summary of Conclusions/Corrective Action

ISSUES ONE and TWO: A procedural violation K.S.A 12-3428(a)(2) and 72-3430(e) was not found, based on the facts above. Corrective action is not required.

ISSUE THREE: A procedural and substantive violation of 34 C.F.R. §300.618 was found, based on the facts above. Corrective action is required.

1. Within 15 calendar days of the date of this report, USD # 287 shall submit a written statement of assurance to Special Education and Title Services (SETS) stating that it will comply with state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA) at 34 C.F.R. §300.618; 34 C.F.R. §300.619; and Kansas Regulations at K.A.R. 91-40-50(b).
2. The District shall notify the Mother within two weeks of closure of this investigation the procedures for requesting an appeal to correct a student record.
3. The District and Coop staff that are responsible for responding to parent requests for corrections to special education records or anyone responding to parent requests will receive training on the steps for responding to parent requests for correcting educational records. This training should be completed prior to the start of the 2025-2026 school year. The training materials and attendance sheet should be provided to SETS within one week of completing the training.

ISSUE FOUR and NINE: A violation of 72-3428(a) and 72-3428(e)(2) was not found, based on the facts above. Corrective action is not required.

ISSUE FIVE: A procedural violation of K.A.R. 91-40-17(a)(2) was found, based on the facts above. Corrective action is required.

4. All District and Coop staff responsible for writing Notices of Meetings will receive training on the timelines, waiving 10-day notification, and information contained on the Notice of Meeting. This training should be completed prior to the start of the 2025-2026 school year. The training materials and attendance sheet should be provided to SETS within one week of completing the training.

ISSUE SIX: A violation of K.S.A. 72-3428(b)(1-3) was not found, based on the facts above. Corrective action is not required.

ISSUE SEVEN: A procedural violation of 91-40-8(f) was found, based on the facts above. Corrective action is required.

5. All District and Coop staff responsible for conducting initial evaluations shall receive training on the timeline and components of conducting an initial evaluation. This training should be completed prior to the start of the 2025-2026 school year. The training materials and attendance sheet should be provided to SETS within one week of completing the training.

ISSUE EIGHT: A violation of 72-3432(A) and 72-3432(B) was not found, based on the facts above. Corrective action is not required.

ISSUE TEN: A violation of 72-3429 was not found, based on the facts above. Corrective action is not required

Right to Appeal

Either party may appeal the findings or conclusions in this report by filing a written notice of appeal with the State Commissioner of Education, ATTN: Special Education and Title Services, Landon State Office Building, 900 SW Jackson Street, Suite 620, Topeka, KS 66612-1212. The notice of appeal may also be filed by email to formalcomplaints@ksde.gov. The notice of appeal must be delivered within 10 calendar days from the date of this report.

For further description of the appeals process, see Kansas Administrative Regulations 91-40-51(f).

K.A.R. 91-40-51(f) Appeals.

(1) Any agency or complainant may appeal any of the findings or conclusions of a compliance report prepared by the special education section of the department by filing a written notice of appeal with the state commissioner of education. Each notice shall be filed within 10 days from the date of the report. Each notice shall provide a detailed statement of the basis for alleging that the report is incorrect.

Upon receiving an appeal, an appeal committee of at least three department of education members shall be appointed by the commissioner to review the report and to consider the information provided by the local education agency, the complainant, or others. The appeal process, including any hearing conducted by the appeal committee, shall be completed within 15 days from the date of receipt of the notice of appeal, and a decision shall be rendered within five days after the appeal process is completed unless the appeal committee determines that exceptional circumstances exist with respect to the particular complaint. In this event, the decision shall be rendered as soon as possible by the appeal committee.

(2) If an appeal committee affirms a compliance report that requires corrective action by an agency, that agency shall initiate the required corrective action immediately. If, after five days, no required corrective action has been initiated, the agency shall be notified of the action that will be taken to assure compliance as determined by the department. This action may include any of the following:

- (A) The issuance of an accreditation deficiency advisement;
- (B) the withholding of state or federal funds otherwise available to the agency;
- (C) the award of monetary reimbursement to the complainant; or
- (D) any combination of the actions specified in paragraph (f)(2)