

KANSAS STATE DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND TITLE SERVICES

REPORT OF COMPLAINT
FILED AGAINST
UNIFIED SCHOOL DISTRICT #232
ON JUNE 5, 2025

DATE OF REPORT: JULY 5, 2025

This report is in response to a complaint filed with our office on behalf of a student, -----, by their advocate, ----- . In the remainder of the report, the student will be referred to as “the Student” and the advocate as “the Complainant.” The Complaint is against USD #232, DeSoto Public Schools. In the remainder of the report, the “School,” the “District,” and the “local education agency (LEA)” shall refer to USD #232.

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 June 5, 2025, and the 30-day timeline ended on July 5, 2025.

Allegations

The following issue will be investigated:

Issue One

Whether USD #232, in accordance with state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), obtained parental consent when making material changes to the Student’s IEP and special education placement. K.A.R. 91-40-21(c)(1)(A)(B), K.A.R. 91-40-27(3); 34 C.F.R. § 300.116.

Investigation of Complaint

The Complaint Investigator interviewed the Complainant and the Parent by video conference on June 26, 2025. The following District staff were interviewed on June 27, 2025: the Principal and the Director of Special Education.

In completing this investigation, the Complaint Investigator reviewed documentation provided by the Complainant 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:

District Materials:

1. Complaint Response, no date

2. Individualized Education Plan (IEP), 03/25/25
3. Release of Information and Medicaid Reimbursement, 03/25/25
4. Parents Rights, 03/25/25
5. Prior Written Notice (PWN), 03/25/25
6. Notice of Meeting, 03/14/25
7. IEP Amendment ... , 06/02/25
8. IEP, 05/09/25
9. PWN, 05/09/25
10. PWN, 05/09/25
11. Notice of Meeting, 04/24/25
12. Progress Report, 05/19/25
13. Email, re: advocate meeting notes, 04/23-04/27/25
14. IEP Meeting Questions, 04/24/25
15. Email, re: follow up, 05/21/25
16. Email, re: May have found chart ... 06/09/25
17. Email, re: Fw: May have found chart ... 06/30/25 Complainant Materials:
 1. Email, re: [the Student], 05/20/25

Background Information

This investigation involved a third grade student enrolled at a school in USD #232. The Student enjoys recess, riding bikes, and working outside with their parent. The Student is currently receiving special education or related services as a child with a disability per the Individuals with Disabilities Education Act (IDEA).

Findings of the Investigation

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

1. The Student's IEP was initiated on March 25, 2025 and amended on May 9, 2025, which was also the most recent evaluation/reevaluation date.
2. On April 11, 2025, there was a "Level 1 [Placement Review Process] PRP" meeting held, as documented on the "IEP Considerations-Level 1" form. In attendance were the School Improvement Specialist, the School Psychologist, the Teacher, the Case Manager, the Behavior Specialist, and the Special Services Coordinator.
3. On an undated chart (part of the Level 1 meeting), the details regarding the Student's "current programming and placement" were as follows: there were seven "academic," five "behavior," one "behavior/academics," three "program," and two "social" areas of concern. Out of the 18 areas of concern identified, 12 were rated as "Severe Impact and/or Concern," one was rated as "Moderate Impact and/or

- Concern," one was rated as "Mild Impact and/or Concern," and four were rated as "Minimal Impact and/or Concern."
4. April 23, 2025 meeting notes reflected the following:
 - a. The Teacher noted a change in the Student's behavior after winter break, where cussing and threatening had escalated, sexual talk was observed, and there were issues "in all areas with multiple students." They also noted that until the week of the meeting, the Student had been escalating more quickly and this was happening more frequently. They also added that the "triggers aren't consistent" and "[The Student] doesn't want to take part in supports such as breaks."
 - b. The Case Manager updated the team on the Student's behavior the week of the meeting and noted changes in the support person, the Student was working better and participating more with the Case Manager when they worked with them one-on-one, a change of location for reading pull out, and the goal to get the Student back into a reading group.
 - c. The Complainant questioned if the Student needed more one-on-one support, citing difficulty bonding to adults in the building.
 - d. In regard to the behavior chart, the Complainant recommended removing recess as a choice for the Student and sending a picture of the chart home with the Student.
 - e. It was noted that "going forward" the Student would continue one-on-one with the Case Manager, the team would "update music on looking for triggers," and the team needs "a month of good data."
 5. On April 24, 2025, the Case Manager received an email from the Complainant with questions regarding the March 25, 2025 IEP. They specifically asked to add the following information to parent concerns: "retention of sight words and phonics; constant fight or flight; anxiety from academic delay in reading and writing; concern with executive functioning, hides, delays time, screams, throws items when overstimulated; mental shutdowns during unpreferred tasks; and inappropriate language during lunch."
 6. An April 24, 2025 Notice of Meeting listed a proposed meeting on May 9, 2025 to "Discuss possible changes to your child's IEP." On April 24, 2025, one of the Parents signed the acknowledgement and marked "I plan to attend the meeting as scheduled."
 7. In an April 27, 2025 email to the Special Services Coordinator, the School Improvement Specialist, the Teacher, the Case Manager, the Principal, the Occupational Therapist (OT), the Social Worker, and the Behavior Specialist, the School Psychologist stated that they were able to "connect with" one of the Parents and "touch base in the PRP ... that we opened [during a meeting on Wednesday]. I know that [the Parent] is hesitant about the process so here is how I explained it to [them] ... [The Parent] shared [their] concerns with [the Student] being a part of

[the] Connections [B] program. [The Parent] used to be a paraprofessional at Connections C, so we talked about the differences between the two programs, some of the demographic differences, etc.”

8. In an IEP Amendment dated May 9, 2025, the proposed changes were:
 - a. Goal changes to the “sight word goal to adjust to [the Student’s] progress.”
 - b. Goal changes to the “behavioral social work goal” to add benchmarks.
 - c. Clarifications and examples added to modifications and accommodations including flexible seating, frequent academic breaks, preferential seating with proximity to teacher, cloze notes, sentence stems, quiet/separate setting with familiar staff for testing, close monitoring of assessment completion, and communication log/behavior chart sent home daily.
 - d. Exceptionality changed from “Developmental Delay” to “Emotional Disability.”
 - e. Behavior Intervention Plan (BIP) edited to reflect new information from the Functional Behavior Assessment (FBA).
 - f. “The IEP team recommended that [the Student] transition to the Connections B program in August 2025. The Connections B classroom is designed to meet student needs by creating a supportive and flexible learning environment where students receive explicit instruction in the area of social-emotional skills and behavioral regulation in order to build independence for success in school and throughout life.”

Under the proposed changes was the following statement, “At this time, [the Student’s] parents have declined the IEP team’s above recommendation.” The date the proposed changes would take effect was May 9, 2025. The box was checked to “agree” to the IEP amendments proposed and the box was checked that they “do not” wish to convene an IEP meeting. The form was electronically signed by the Parent on June 2, 2025 and by an authorized district representative on June 21, 2025.

9. On the May 9, 2025 IEP, two parents were listed under “IEP Participants,” with one listed as “did not attend” and both showing electronic signatures on May 9, 2025. Additionally, the Complainant was listed as an “IEP Participant” and also electronically signed the document on May 9, 2025.
10. On the May 9, 2025 IEP, under “Parent/Guardian Concerns,” the amendment IEP meeting concerns noted one of the Parents wanted the Student to complete reading goals at a quicker pace and for writing to be added. It was also noted that they hoped for the Student to have “less accommodations and shortened assignments to be able to complete tasks within a reasonable time.” They went on to share concern that the Student is not at grade-level for reading and that “Self-confidence among peers [is] lacking due to lack of skill set or knowledge.”

It was noted on the IEP that the Parent/Guardian concerns were addressed by

- sharing the Student's increase in "Fastbridge" scores since small group reading instruction was changed to one-on-one; the Student had been participating more since a change in paraprofessional and "more flexible teaching style"; and the Student's parent "reported that [they] will be working with [the Student] on writing over the summer to help [them] gain some confidence."
11. On the May 9, 2025 IEP, the Social Work Updates between March and May 2025 outlined the Student's social work session attendance and participation. "[The Student] has responded positively to the opportunities of increased physical activity, and has been providing thought-out responses to social scenario questions." The update went on to describe the Student exhibiting refusal behaviors and their struggle to reflect on behavioral choices, along with increased agitation and shutting down when the Student was asked to discuss incidents. "[The Student] has been given the opportunity for morning breaks with another student on three opportunities and each time this has occurred the break has not served its purpose of being regulating for [the Student] or the peer ... The Student is less responsive to behavior reminders from the social worker than when [they are] not with the peer." Staff members reported the Student consistently performed better during morning meetings and the Student expressed enjoying morning meetings and wanting to stay there. "[The Social Worker] has scaled back on offering sensory breaks with that peer in the morning so as to keep [the Student] in a regulated state."
 12. On the May 9, 2025 IEP, the relevant accommodations and modifications, to take place from May 9, 2025 to March 24, 2026, included were:
 - a. Flexible seating when the Student was expected to sit in the classroom for the duration of instruction in both General Education and Special Education settings.
 - b. Frequent academic breaks when the Student requested for the duration of the academic task in both General Education and Special Education settings.
 - c. Preferential seating/proximity control near the teacher daily for the duration of the instruction in both General Education and Special Education settings.
 - d. Cloze Notes when class note taking was occurring through the duration of the lesson/assignment in both General Education and Special Education settings.
 - e. Sentence Stems as requested by the Student for the duration of the assessment in both General Education and Special Education settings.
 - f. Close monitoring of assessment completion whenever the Student completed standardized assessments for the duration of the assessment in both General Education and Special Education settings.
 - g. Communication log/behavior chart daily at the completion of each school day in the General Education setting.
 13. On the May 9, 2025 IEP, the BIP indicated an FBA was completed on May 9, 2025 and indicated a need for a BIP, which was outlined in the document.

14. On the May 9, 2025 IEP, under "Placement Considerations and Decision," the following placement options were considered and selected for March 25, 2025 through May 22, 2025 and August 13, 2025 through March 24, 2026:
 - a. "Inside Regular Class 80% or more of the day."
2. For the same date range, the following placement options were considered:
 - b. "Inside Regular Class less than 79% but more than 40% of the day."
15. On a May 9, 2025 Prior Written Notice (PWN), the decision noted was "Material Change in Services (Parental Consent Required)." "Description of the Actions proposed" listed the following:
 - a. Goal changes to "sight word goal to adjust to [the Student's] progress."
 - b. Goal changes to "behavioral social work goal" to add benchmarks.
 - c. Clarifications and examples added to modifications and accommodations including flexible seating, frequent academic breaks, preferential seating with proximity to teacher, cloze notes, sentence stems, quiet/separate setting with familiar staff for testing, close monitoring of assessment completion, and communication log/behavior chart sent home daily.
 - d. Exceptionality changed from "Developmental Delay" to "Emotional Disability."
 - e. BIP edited to reflect new information from the FBA.
3. "Other Relevant Factors Considered" noted that "the team discussed [the Student's] least restrictive environment (LRE) and the pros and cons of [them] attending the Connections B Program versus [the School]. At this time, a decision has not been made by the family either way and the team will wait for any further questions or discussion points."

This PWN was signed by one of the Parents on May 30, 2025 and the box for "give consent" was marked to provide consent for the special education placement and services actions in this notice. It was noted that the consent was voluntary and may be revoked at any time.

16. A May 9, 2025 PWN stated there was a meeting to review "Special education and related services needed by your child" and "[t]he appropriate educational placement to provide special education and related services identified in your child's IEP." The decision was a "substantial change in placement (parental consent required)." The "Description of the Action Proposed" was, "It is the recommendation of the IEP team that [the Student] finish the [20]24-25 school year at [the School] and [then] transition to the Connections B program at [a different school] to begin in August 2025." The "Explanation of Why the Action is Proposed" was due to the Student's current behaviors, plan, and support and noted the Connections B program having more knowledge and support to accommodate the Student's needs. The "Options Considered and Why the Options were Rejected" was, "At this time, [the Student's parent] reported hesitancy with [the Student] attending the Connections B program. The team encouraged [the Parent] to observe the program

before making any final decisions.”

This PWN was signed by one of the Parents on May 30, 2025 and the box for “Do Not Give Consent - I do not give consent for the special education placement and services actions in this notice for my child” was marked.

17. On May 20, 2025, the Principal emailed the Parent to describe the Student’s behaviors, the behavior tracking sheet, and the sustainability of the Student’s accommodations. The Principal wrote, “These are the services that are not sustainable in this environment here at [the School]. The amount of support [the Student] has received at this level will not be continued next school year. In order for [the Student] to continue the academic and behavioral progress that we have seen recently we believe that [the Student] needs additional support that can be provided at the Connections B program at [another location].” (C23) The Principal sent a clarification email less than an hour later on the same date, “Let me address services for next year here at [the School]. We will continue to follow the IEP as it is written[,] however the sustainability puts a lot of stress on the resources and we are not as equipped for all of the different behaviors as a staff would be in the [C]onnections program.”
18. In a May 21, 2025 email to one of the Parents and the Complainant, the Special Services Coordinator stated, “I am reaching out to see if you have any additional questions after our IEP meeting and the visit to [the Connections B program]. I know there has been a lot to process at the end of the school year. Please reach out with questions. In regard to the PWN, it will require a parent signature with consent given or not given in order to implement the proposed changes.”
19. On June 9, 2025, the Director of Special Education emailed unidentified recipient(s), and referenced a chart used for the Student. They explained it was noted why the information was added, which was because “... ‘the team felt that [the Student] needed consistency and had outlined consequences for different behaviors so that it was clear (and consistent between staff).’” The Director of Special Education indicated their recommendation was to review the information in the fall as an IEP to discuss concerns, and add more information in the same section about the rights/procedures for students in special education regarding suspension. An unidentified person replied on June 11, 2025 and wrote, “Yes that is the chart. I agree that [the Student] needed consistent consequence[s] for behaviors but the chart was not used fairly.”
20. In an emailed dated June 30, 2025, the Director of Special Education indicated the IEP team recommended a reevaluation in March due to the Student’s behaviors, and that the reevaluation would include an FBA. They explained that around the same time, the team started to look at their PRP because they were struggling with the Student’s behaviors. The PRP was used to consider a student’s strengths and needs, as well as to bring in District experts in a particular area to support the IEP team. They indicated both processes occurred from March to May 2025, until the

reevaluation meeting in May, where final recommendations were made using the data and information gathered.

21. This Complaint was filed on June 5, 2025.

Interview Summaries

The Principal

22. In an interview with the Complaint Investigator, the Principal described having a long-standing relationship with the Student, who had attended the School since kindergarten and was entering fourth grade. The Principal's involvement typically escalated when safety issues arose due to the Student's behavior, which included sexual comments, foul language, threats, destroying property, eloping, and general disrespect. The Principal noted that the Parent, who was a staff member in the building until recently, was "very close to the situation" and privy to daily incidents. The Principal stated that communication with the Parent was "pretty much constant," and believed that nothing was ever put into place without the Parent and the Complainant being a part of the discussion.
23. The Principal expressed surprise regarding the allegation that parental consent was not obtained for material changes to the Student's IEP or placement, referencing numerous meetings with the Parent and the Complainant. While staff held regular student collaboration team meetings as standard practice to discuss student needs, including the Student's, the Principal maintained that no significant changes were implemented without prior discussion with the Parent. The Principal acknowledged the Parent might have misconstrued these internal meetings as formal IEP discussions from which the Parent was excluded. However, the Principal reiterated that the School always followed up with parents on significant matters.
24. The Principal explained that discussions about a potential placement change for the Student had been ongoing with the Parent for several years, intensifying recently due to the Student's escalating behavior. However, the Parent consistently voiced opposition to a placement change. Before a formal meeting where the new placement was proposed, the School scheduled a courtesy meeting with the Parent and the Complainant, allowing them to hear and process the information so they could prepare any questions or concerns for the formal meeting. This courtesy meeting also included reevaluation information and a potential change in the Student's exceptionality, which the School thought might be "pretty heavy and emotionally provoking content" for the Parent. Although the Parent remained quiet during the formal placement proposal meeting, they agreed to visit the proposed placement site. Ultimately, parental consent for the placement change was not provided, leading to the Student remaining at the School, with all other consented IEP changes implemented.
25. The Principal discussed an email sent to the Parent on May 20, 2025, which aimed to clarify the Student's behavior tracking. In the email, the Principal explained the

Student's behavior chart only accounted for work completion and appropriate language, not other common misbehaviors, such as whining or yelling, which were not typical for peers. The Principal noted that observed successes might be linked to recent medication changes, but historically, the Student's issues had persisted since kindergarten. The email also stated the current level of support for the Student at the School was unsustainable and would not continue into the next school year, a statement the Principal quickly reconsidered. Realizing the wording could be misinterpreted as an unwillingness to support the Student, the Principal sent a follow-up email within an hour to clarify the School's intent was to ensure the Student received appropriate and dignified support, acknowledging the Student's behaviors often fluctuated, seemingly influenced by medication.

26. The Principal understood the Parent's primary frustration with the IEP centered on a behavior chart within the IEP, designed to ensure consistent expectations and consequences. While the Parent desired consistency, they reportedly disagreed with certain consequences or perceived inconsistencies in their application to other students. It appeared the Parent's objections to the chart became more pronounced when consequences, such as out-of-school suspensions for threats, conflicted with their work schedule. The Principal emphasized the chart's consequences were standard for any student exhibiting similar behaviors, expressing ongoing concern for the Student's dignity, and the safety of the entire student body at the School.

The Director of Special Education

27. During an interview with the Complaint Investigator, the Director of Special Education confirmed that during a formal IEP meeting, the Student was identified as having an emotional disturbance following a reevaluation and functional behavior assessment, which then led to the IEP discussion. During this meeting, a change in the Student's placement was recommended. However, parental consent, which was required for material changes in placement, was not obtained for this specific recommendation. The Complainant requested the proposed changes be split into two PWNs. The Parent consented to all other recommended changes outlined in the first PWN but declined consent for the center-based program placement change in the second PWN. Consequently, the Student remained at the School in their current placement, while the other consented changes were implemented.
28. The Director of Special Education explained that upon receiving the formal complaint, they met with the Parent and the Complainant to understand the specific concerns regarding providing consent. It was determined the Parent's frustration largely stemmed from a behavior chart included in the IEP, as referenced by the Principal. While the Parent desired consistency in expectations and consequences for behaviors, they reportedly disagreed with certain consequences or felt other students were not subject to the same consequences. The Director of Special Education engaged in an email exchange with the Parent to clarify these points and ensure the Parent understood their rights, emphasizing the Student had

the same rights as all other students. To the Director of Special Education's knowledge, no examples of implementations without consent were found; instead, the issues appeared to be frustrations with the IEP's content or wording, as well as staff actions following the Student's behaviors or consequences.

The Complainant

29. During an interview with the Complaint Investigator, the Complainant said, "I disagreed with the placement to move [the Student] to a different school into a specified program versus where [the Student] currently [was] receiving special education minutes." The Complainant explained they and the Parent toured the new school and program that was being proposed, and compared it to the Student's current school to determine the difference between the two programs. The Complainant expressed they did not agree with moving the Student to the new program because they perceived there were no benefits for the Student in doing so.
30. The Complainant indicated the Principal responded to their concerns via email, stating the Student would not be at the School next year because it put stress on the staff, and the School could not provide the types of services and amount of staff the Student required. The Complainant explained the Principal then sent a follow-up email, which indicated the School would continue to follow the Student's IEP as written, but that it put stress on the staff and they were not able to handle the Student's behaviors.

The Complainant perceived the data used to complete the Student's FBA, and to show why they should move to a different program, only came from the Student's "most trying times." They perceived there was not any data to show what, if anything, happened after more accommodations, modifications, and service minutes were put into place. The Complainant indicated the Student's behavior improved at the end of the school year, but the School stated it was only due to the Student's medication.

31. The Complainant's understanding of the Student's current placement was, "... at [the School] and general education with support and service minutes."
32. The Complainant said, "... there was a prior written notice signed by [the Parent] that states we do not consent to a different placement or the placement they recommended" They stated that currently, the Student would attend the School in the fall.
33. The Complainant indicated one of the amendments from May 2025 they were concerned about was regarding the behavior chart. The Complainant explained they were informed the Student engaged in negative behaviors, but stated the behavior sheet would show the Student had good days. They advocated that a behavior sheet should be sent home daily, and have that included in the IEP

amendment. The Complainant explained they did not observe the Student engaging in negative behaviors.

34. The Parent indicated they signed an IEP amendment on June 2, 2025 and a PWN for initial services placement and request for consent, dated May 9, 2025. The Parent confirmed the document was marked that they did not give consent for special education placement and services actions for the Student. The Complainant explained the document demonstrated the Parent disagreed with placing the Student at the other school and program. The Complainant perceived the other program would not be a good fit for the Student because it only focused on behavior and they believed it would not meet the Student's needs.
35. The Complainant said, "While being in the meeting, [it] was very clear to me and to my understanding that they were not going to continue to have [the Student] in the school, that [the Student] needed to leave to get more support as they would put it, and they'd be more trained in the other school to handle [the Student's] behaviors. But it almost seemed like it was a predetermined [sic] with the IEP team."
36. The Parent perceived there were times when people wanted to arrange private meetings with them prior to the IEP meeting. The Parent explained they received a text message to meet the day before an IEP meeting to "go over things," and there was already a team of people there. The Parent said, "And so that meeting wouldn't come into existence without that team of people talking and gathering their thoughts together."

Positions of the Parties, Applicable Regulations, and Conclusions

Issue One

Whether USD #232, in accordance with state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), obtained parental consent when making material changes to the Student's IEP and special education placement. K.A.R. 91-40-21(c)(1)(A)(B), K.A.R. 91-40-27(3); 34 C.F.R. § 300.116.

According to Per K.A.R. 91-40-27(3), each agency shall obtain parental consent before taking any action, of any exceptional child, shall make a material change in services to, or a substantial change in the placement of an exceptional child. Unless the change is based upon the child's graduation from high school or exceeding the age of eligibility for special education services.

The Complainant alleged the District did not obtain parental consent when making material changes to the Student's IEP and special education placement. The Complainant also purported the District urged the Parent to relocate the Student to a different program.

The District indicated they obtained parental consent each time material changes in services and placement were recommended by the IEP team, via PWNs. The District reported consent

for reevaluation was also sought and obtained, and that no changes to the IEP were implemented without parental consent.

The Student's IEP was initiated on March 25, 2025 and amended on May 9, 2025. A Level 1 PRP meeting was held on April 11, 2025, as shown on the "IEP Considerations-Level 1" form. The Parent was not listed as attending. On April 27, 2025, the School Psychologist emailed the Parent and explained the PRP to them, that the Parent would be involved in determining next steps, and the differences between the programs being considered for the Student.

April 23, 2025 meeting notes reflected a change in the Student's behavior after winter break. The Complainant questioned if the Student required more one-on-one support and made recommendations about the behavior chart. On April 24, 2025 the Case Manager received an email from the Complainant with questions regarding the March 25, 2025 IEP and requests to add information. A Notice of Meeting from the same day proposed a meeting for May 9, 2025, and one of the Parents signed that they planned to attend. The Student's IEP from May 9, 2025 addressed social work updates between March and May 2025, and showed an FBA was completed on the same date. The IEP indicated the Student's placement as "Inside Regular Class 80% or more of the day."

On May 20, 2025, the Principal emailed the Parent and indicated the Student's current level of support was unsustainable at the School, would not continue into the next school year, and suggested the other program for continued progress.

Less than an hour later, the Principal emailed again and clarified the School would still follow the Student's IEP, but reiterated that the current level of support was straining resources. The Principal and the Complainant confirmed the content of the emails, but the Principal maintained they sent the second email to clarify the Student would still receive support. In an emailed dated June 30, 2025, the Director of Special Education indicated the IEP team recommended a reevaluation in March 2025, which included an FBA. Around the same time, the team started to look at the PRP. Both processes occurred from March to May 2025, until the reevaluation meeting in May, when final recommendations were made.

In their interview, the Principal stated nothing was done without the Parent's participation. The Principal indicated staff held regular student collaboration team meetings as standard practice to discuss student needs, but maintained no significant changes were implemented without prior discussion with the Parent.

The Principal acknowledged the Parent might have perceived these internal meetings as formal IEP discussions from which they were excluded, but reiterated that did not happen. The Parent indicated they did perceive the internal meetings as inappropriate. The Principal explained that discussions about a potential placement change had been ongoing with the Parent, but the Parent consistently opposed it. The Complainant perceived the Student's current placement was at the School, and the Student would attend the School again in the fall.

On May 9, 2025, two PWNs were issued. One PWN detailed goal changes, modifications, an exceptionality change, and BIP edits from the IEP amendment. The IEP team also recommended the Student transition to the other program in August 2025. The Parent declined the transition recommendation, but agreed to the proposed amendments. The PWN was signed by one of the Parent on May 30, 2025 and the box for “give consent” was marked to provide consent for the special education placement and services actions in that notice. It was noted the Parent had not decided on whether the Student would attend the new program, and the team would wait, pending any further discussion.

The second PWN from May 9, 2025 indicated there was a meeting to review the Student’s educational placement and the decision was considered a “substantial change in placement”. It was proposed the Student would attend the new school and program. This PWN was signed by one of the Parents on May 30, 2025, and the box for “Do Not Give Consent” was marked. Interview summaries corroborated the content of these documents.

Based on the documentation and interviews, the District obtained parental consent for material changes to the Student’s IEP as outlined in the May 9, 2025 amendment. However, the Parent did not consent to the change in placement, and as a result, the Student remained in their current placement at the School. While the Principal made some concerning statements in their email from May 20, 2025, the Student’s placement was not altered. Based on the foregoing, according to IDEA and Kansas special education regulations, *it is not substantiated* that the District failed to obtain parental consent when making materials changes to the Student’s IEP and special education placement.

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)