

KANSAS STATE DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND TITLE SERVICES

REPORT OF COMPLAINT
FILED AGAINST
UNIFIED SCHOOL DISTRICT #512
ON SEPTEMBER 2, 2025

DATE OF REPORT: SEPTEMBER 30, 2025

This report is in response to a complaint filed with the Kansas State Department of Education on behalf of four students with disabilities enrolled at Mill Creek Elementary School in USD #512 during the 2025-26 school year. The complaint was made by ----- who was the special education teacher of the four students. In the remainder of the report ----- will be referred to as the “complainant”.

This is a systemic complaint since it involves multiple students. It is noted that the complainant is not the parent or legal guardian of any of these students and is no longer employed as the special education teacher for any of these students. For these reasons, the complainant will be informed when this investigation is completed but will not be provided a copy of the report.

When a special education complaint is filed against a school district that is a member of a special education cooperative or interlocal, or that uses any other state recognized public agency to serve children with disabilities, the term “local education agency (LEA)” in this report will include the school district, the special education cooperative or interlocal, and any other agency that is recognized by the state as an administrative agency for public elementary or secondary schools and is serving the educational needs of this student.”

In this case, the complaint is against USD #512 (Shawnee Mission Public Schools) which employs its own staff to meet the requirements of the IDEA. In the remainder of the report, this responsible public agency will be referred to as “the local education agency (LEA)”.

The Kansas State Department of Education (KSDE) allows for a 60-day timeline to investigate a complaint and allow for an appeal process from the date on which it was filed. A complaint is considered filed on the date on which it was received by KSDE. In this case, the KSDE initially received the complaint on September 2, 2025 and assigned the case for investigation on September 3, 2025.

Evidence Reviewed

Both parties were contacted via telephone during the investigation to gather and clarify information. The complainant was interviewed by telephone on September 22, 2025. The Associate Superintendent of Special Education for USD #512, Sherry Dumolein, was also interviewed by telephone on September 22, 2025.

The LEA and the complainant provided the following written documentation which was used in consideration of the issue:

1. Formal Complaint Request Form dated September 2, 2025 written by the complainant
2. LEA Response to the Allegation dated September 10, 2025 written by the Associate Superintendent of Special Education for USD #512
3. The Kansas Department of Education 2025-26 Licensed Personnel Guide
4. Copy of the Kansas Board of Education Teaching License for the complainant
5. The Kansas Special Education Reimbursement Guide for State Categorical Aid (revised 6/2/25)
6. Personnel Categorical Aid (PCA) Current Payment Report for the complainant dated September 5, 2025
7. Student 1 IEP dated March 28, 2025
8. Student 2 IEP dated October 10, 2024 and amended on May 19, 2025
9. Student 3 IEP dated September 27, 2024 and amended on March 7, 2025
10. Student 4 IEP dated October 1, 2024 and amended on April 18, 2025
11. Copy of the complainant's daily teacher schedule for the 2025-26 school year
12. Email dated September 22, 2025 written by Bert Moore, Director of Special Education and Title Services (SETS) for the Kansas State Department of Education (KSDE) to the Investigator
13. LEA response to clarification questions dated September 25, 2025 written by the Associate Superintendent of Special Education for USD #512

Background Information

The complainant was employed by USD #512 to provide special education services for students with IEPs enrolled at Mill Creek Elementary School during the 2025-26 school year. The complainant provided direct specialized instruction to a total of 12 students who had IEPs in kindergarten through sixth grade between August 11 and August 15, 2025. The complainant and LEA both acknowledge that the complainant is no longer an employee of the district.

Issues Investigated

Based on the written complaint, one issue was identified and investigated.

Issue One

USD 512, in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), failed to employ a qualified special education teacher to provide special education instruction to four students with significant disabilities taught by the complainant at Mill Creek Elementary School during the 2025-26 school year.

Applicable Law

Federal regulations at 34 C.F.R. 300.156(a) require that each state education authority (SEA) must establish and maintain qualifications to ensure that personnel necessary to provide special education services are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities.

State regulations at K.A.R. 91-31-34 describe the requirements for LEAs to follow in order to provide appropriately qualified staff for teaching assignments in Kansas school districts as follows:

1. Each education system shall employ persons who hold licenses or certificates with specific endorsements for the positions held
2. If a teacher holding an appropriate license or certificate is not available, the education system shall use a teacher holding a valid Kansas teacher license or certificate at any level or in any field or subject for not more than 140 days in the same assignment.
3. If a teacher holding a valid Kansas teacher license or certificate is not available, the education system will use a substitute teacher holding a valid Kansas substitute teacher license or certificate for no more than 90 days in the same assignment.
4. If a substitute teacher holding a valid Kansas substitute teacher license is not available, the education system will use a person who holds a baccalaureate degree and an emergency substitute teaching license or certificate for no more than 45 days in the same assignment.
5. If a person holding a baccalaureate degree and an emergency substitute teaching license is not available, the education system shall use a person who has been licensed or certified by the state board as an emergency substitute teacher for no more than 25 days in the same assignment or more than 75 days in semester.
6. If an education system documents that there is an insufficient supply of substitute teachers, the education system may appeal to the commissioner of education for authority to allow individuals holding an emergency substitute teaching license or certificate to continue to teach for an additional length of time. (Please refer to K.A.R. 91-31-34(b)(5)(B) and the explanation below in the Special Education Reimbursement Guide).

The 2025-26 *Special Education Reimbursement Guide for State Categorical Aid* describes the requirements for school districts to receive reimbursement for providing special education services to students with disabilities. This documents uses the following definitions for “qualified personnel”, “special education teacher”, “High Incidence”, and “Low Incidence”:

- Personnel: "personnel who have met SEA-approved or SEA-recognized certification, licensing, registration, or other comparable requirements that apply to the area in which the individuals are providing special education or related services" (based on C.F.R. 34 CFR 300.23).

- Qualified: "qualified means being certified, licensed, registered or otherwise authorized by the state to render services in a particular profession or occupation" (based on KAR 91-40-1(zz))
- Special teacher: "a person, employed by or under contract with a school district or a state institution to provide special education or related services, who is: (1) Qualified to provide special education or related services to exceptional children as determined pursuant to standards established by the state board (based on K.S.A. 72-3404(j))
- High Incidence (BD/IR/LD): Teachers of students with a range of mild-moderate disabilities that impact learning who are able to participate in general education curriculum with additional support.
- Low Incidence (ID/SM): Teachers of students with significant intellectual disability and students with multiple disabilities who are less able to participate in general education curriculum.

Appendix B: KSDE Special Education Teacher Endorsements for Reimbursement includes a chart showing that teachers holding a Kansas Teaching License with a High incidence Endorsement are appropriately certificated to teach students with high incidence disabilities in the following areas: Integration Specialist (IS), Personnel Development (PD), Interrelated (IR), Learning Disability (LD), and Early Childhood Special Education (EC).

An email dated September 22, 2025 written by Bert Moore, Director of Special Education and Title Services (SETS) for the Kansas State Department of Education (KSDE) provided guidance to differentiate the teacher licensure requirements to teach and appropriately meet the unique needs of students with high and low incidence disabilities by stating:

It is the teacher's license that is in question regardless of how the district lists the classroom. Some Interrelated Resource Rooms have a teacher licensed as high incidence and holds a low incidence license too. Most Interrelated Resource Rooms are composed of "high incidence" students such as learning disabled, emotionally disabled, other health impaired and indicates that the teacher is primarily working on grade level content with students that are expected to have access to the general education curriculum for the majority of the school day, whether in a resource room and/or general education environments / classrooms.

Low incidence disabilities require more functional support for daily living skills, social and communication interaction, access to a curriculum that is grade level but often adapted or modified based on the level of the child's disability such as Intellectual Disability, Multiple Disabilities, or severe Autism. By the way, not all low incidence students are selected to take the Dynamic Learning Maps (DLM) which is a modified grade level assessment using the Essential Elements curriculum, and it is reserved for the "most significantly cognitive disabled students." The federal government requires that statewide, no more than 1% of students with the most significant cognitive disabilities take the DLM for ELA, Math, and/or Science.

KSDE licensure requires any student with significant low incidence disabilities to be taught by a teacher holding a "low incidence" license. Students that participate in the general education grade level curriculum appropriate for the child's age are taught by high incidence licensed teachers.

Someone with a low incidence license needs to be a member of the IEP team if a district is not using a low incidence licensed teacher to lead a child's IEP if the student is identified with a low incidence disabling condition. The bottom line is that the student's special education supports and services need to be designed by a teacher holding a low incidence license. Due to teacher shortages, some agencies assign an appropriately licensed itinerant teacher to be a team member for any student needing low incidence supports and services. A high incidence teacher could be implementing that IEP if mentored by the low incidence licensed teacher.

It is complicated, pure and simple but we want to ensure that students with disabilities are receiving appropriate services designed by a properly licensed teacher who regularly monitors the student's IEP from initial evaluation, to developing an IEP, implementation of the IEP, and progress monitoring of goals/objectives.

There are currently NO low incidence programs being offered in Kansas; however, Fort Hays State plans to implement a program soon . . .

I would ask the agency these questions:

- How do you ensure that a low incidence licensed teacher is a member of the IEP team or staffing team?*
- If yes, how does this individual assist in the development of the low incidence child's IEP?*
- Does this individual assist in ensuring that progress monitoring is taking place at required intervals, including recommending any changes to a child's IEP based on changes in the student's present level of performance?*
- If a low incidence teacher is not employed by your agency, where can you locate a properly licensed low incidence teacher, licensed with a "Low Incidence" teaching license at this student's grade level, to assist in the development of special education supports and services for this low incidence student? [Footnote: The agency could find someone by contacting the regional Service Center, or Special Education program at a local or regional College/University? Also, could work with the Kansas Association of Special Education Administrators (KASEA) to solicit a properly licensed consultant.]*

With the number of teacher vacancies in Kansas for appropriately licensed special education teachers, the agency needs to show evidence that they are trying to find a properly low incidence licensed teacher to support this child's low incidence needs. ALL students with disabilities should be "included" in grade level activities. Inclusion alone does not circumvent appropriate licensure.

Analysis: Findings of Fact

The following findings of fact are based upon interviews and record review.

The complainant reported that she holds a Master's degree in Special Education and was issued a Kansas teaching license with a high incidence endorsement. The complainant indicated that she has taught special education for five years through a program for paraeducators to become licensed special education teachers and was hired as a special education teacher by USD #512 to teach a resource classroom of students with high incidence disabilities. However, USD #512 assigned and expected her to work with students with low incidence disabilities even though she was not qualified to teach this type of student. The complainant stated,

The students on my caseload and others that I would work with had significant intellectual disabilities, severe autism, and adaptive needs. For example – 2 students were non-verbal, 1 student had toileting needs (4th grade). I am not trained or licensed to work with low-incidence students.

The complainant believes this situation is unfair to all the students she is expected to teach because the time needed to meet the needs of students with low incidence disabilities significantly impacts the time she is able to devote to providing the direct instruction that the students with high incidence disabilities need and deserve.

Documentation provided by both the LEA and the complainant show the complainant was issued a Kansas Teaching License with a High-Incidence Special Education Endorsement for students in grades kindergarten – 6th grade on May 16, 2023 with an expiration date of October 31, 2028.

The LEA indicated that the complainant was assigned to Mill Creek Elementary School as a special education teacher with a caseload that included students with a range of exceptionalities whose IEP teams had determined would receive special education in both the general education and special education settings.

The LEA reported and the complainant confirmed she participated in training provided by USD #512 prior to the beginning of the 2025-26 school year. This training included

the special education boot camp, a two-day professional development series offered to all new certified special education staff within USD #512, in July 2025. The complainant reported this training focused on the IEP process and IEP system used by the LEA.

The complainant also attended New Team Member Academy, the required training for all new certified employees in USD #512, on July 31, August 1, and August 4, 2025.

Between August 5th and 8th, the complainant, as well as all USD #512 staff, were provided with a combination of professional development opportunities and staff worktime. The complainant reported this training mostly focused on the district's new math curriculum.

The LEA reported that the complainant started working with students on August 11, 2025 and stopped reporting to work reporting to work on August 15, 2025, indicating that she did not believe her job duties would involve working with any students with low incidence disabilities. The Associate Superintendent of Special Education stated,

Because [the complainant] breached her teaching contract, the SMSD [USD #512] Board of Education adopted a resolution of intent to terminate her contract due to job abandonment at its August 25th meeting . . . The Board voted on a final resolution to terminate [the complainant's] contract at its September 8th meeting.

The complainant reported there were four students on her caseload that she was inappropriately licensed to teach. However, the LEA reported that all four of the students assigned to the complainant were accessing grade-level standards within the general education setting with the use of modifications and accommodations. The LEA stated:

The teacher was appropriately licensed and qualified to teach each of the students assigned to her and to implement the IEP for each of the students assigned to her. It is appropriate and in accordance with KSDE licensure requirements for a student requiring modified or alternative standards—but who continues to participate in grade-level curriculum—to receive instruction from a high-incidence certified special education teacher. High-incidence teachers are trained and licensed to support students with disabilities who access the general education curriculum, even when instruction must be adapted or modified. Their expertise lies in adjusting grade-level content, providing scaffolds, and ensuring students remain engaged with learning expectations, while collaborating with IEP teams to address additional individual needs.

The following is a summary of each of the four student's IEP in effect at the beginning of the 2025-26 school year:

Student 1 - [xxxxxxx]: This student is enrolled in kindergarten and receives special education and related services under the exceptionality category of Developmental Delay. The March 28, 2025 IEP includes pre-academic goals related to letters, numbers, writing, and group participation and the student spends the majority of the school day in the general education classroom with same-grade peers receiving special education and related services support. This IEP describes the regular education participation and education placement as follows:

As [Student 1] transitions to kindergarten for the 2025-26 school year, [Student 1] will receive 15 mins 2/wk [two times per week] speech language therapy in the general education classroom, and 15 mins 1/wk speech language therapy in a special education setting. The student will receive occupational therapy 15 min 1/wk in the general education classroom and 15 mins 1/wk in the special education setting. [Student 1] will receive physical therapy 15 mins 2/month in the special education setting. There will be physical therapy consultation

once a month for 15 minutes. [Student 1] will receive specially designed instruction daily (5x/wk) for 250 minutes in the general education classroom and [Student 1] will be receiving 60 minutes of specially designed instruction in the special education setting to help with social emotional development and academic skills. [Student 1] will also receive 80 minutes 5/week of attendant care to help with lunch, bathroom, and recess.

Student 2 – [xxxxxxx]: This student is enrolled in fourth grade and receives special education and related services under the exceptionality category of Intellectual Disability. The May 19, 2025 amendment to the October 10, 2024 IEP describes the student as exhibiting emerging skills in most academic areas. The Present Level of the IEP indicates the student confuses letter names and letter sounds, is able to write his name, recognizes numbers to 20, and uses a number line to do addition / subtraction problems. The classroom teacher reported the student learns best with one-to-one instruction with immediate feedback and redirection. The IEP calls for the student to participate in the state-wide alternate assessment designed for approximately 1% of Kansas students working to meet the essential elements of grade-level standards. The IEP reflects that the student spends more than three hours per day (1025 minutes per week) in the special education setting away from peers. This IEP describes the regular education participation and education placement as follows:

[Student 2] will receive the following services throughout the duration of the IEP: Occupational Therapy for 20 minutes 2 days per week in the resource room; Speech and Language Therapy 20 minutes 3 days per week in the resource room; Attendant care for 110 minutes 5 days per week in the general education setting for support in recess, lunch, and specials; Special Education services for 110 minutes 5 days per week in the general education setting to attend morning meeting and other academic areas with peers; Special Education services 185 minutes 5 days per week in the resource room to work on reading, writing, math, behavior, and pre-academic goals.

The team has considered [Student 2's] least restrictive environment throughout the school day. We considered providing all services in the general education classroom with supplementary aids and services but we rejected that due to data supported [Student 2] needs intensive instruction in the special education classroom. [Student 2's] curriculum is modified from the general education curriculum to better suit Student 2's educational and behavioral needs.

Student 3 – [xxxxxxx]: This student is enrolled in first grade and receives special education and related services under the exceptionality category of Developmental Delay. The March 7, 2025 amendment to the September 27, 2024 IEP notes the student has a medical diagnosis of Autism – level 3. The IEP indicates the student is working on emerging academic skills, communication, and participating appropriately in small and large group activities. She spends about two hours and twenty minutes per day in the special

education setting away from her same-grade peers and about two hours and thirty minutes per day with special education instruction / support in the general education classroom. The Present Level of the IEP notes the student is working on recognizing or matching letters and numbers and can trace upper case letters. This IEP describes the regular education participation and education placement as follows:

[Student 3] will receive 125 minutes daily of attendant care during general education activities (Recess, Lunch, Specials). [Student 3] will receive 150 minutes 1x per week, 120 minutes 1x per week, and 130 minutes 3x per week, of direct special education services in the resource room to support [the] in progress towards IEP goals. [Student 3] will receive 145 minutes daily of special education collaboration support in the general education classroom. [Student 3] will receive two 20-minute speech sessions and one 30-minute occupational therapy session per week during time [Student 3] is in the special education resource room.

[Student 3] is away from the general education peers when receiving instruction within the special education setting as defined in [the] IEP. The IEP team prioritizes [Student 3] to be with [the] peers in general education, however, [Student 3] is requiring additional support beyond those available through general education in social/emotional communication, academics and occupational therapy at this time. Reteaching previous skills in these areas is required in smaller group setting, beyond the general classroom in order to progress in the general education curriculum.

Student 4 – [xxxxxxx]: This student is enrolled in second grade and receives special education and related services under the exceptionality category of Autism. The April 18, 2025 amendment to the October 1, 2024 IEP notes the student's district-wide assessment score for English/Language Arts (ELA) falls at the 27th percentile and falls at the 34th percentile for Math with typical scores falling between the 25th and 74th percentiles. This IEP describes the regular education participation and education placement as follows:

[Student 4] will receive special education services in the resource room for 120 minutes three times per week and 100 minutes two times per week. [The student] will receive Attendant Care services 30 minutes daily during recess. In the general education setting, [the student] will receive 255 minutes of special education collab support daily. [Student 4] will receive direct speech language services in the special education setting for one 20-minute session weekly and in the general education setting for one 20-minute session weekly . . .

The Personnel Categorical Aid Current Payment Report for the complainant dated September 5, 2025 shows the complainant was listed as teaching an Interrelated (IR) resource special education classroom designed for students with High Incidence disabilities and matches the complainant's teaching licensure.

Conclusion

In this case, the complainant was hired as a special education teacher at Mill Creek Elementary School to teach students with a range of exceptionalities in both the special education and general education settings. The LEA considered and reported to KSDE that the complainant was teaching an interrelated (IR) resource special education classroom. The complainant holds a current Kansas Teaching License with an endorsement for High Incidence Special Education and, according to the 2025-26 *Special Education Reimbursement Guide for State Categorical Aid* and *Appendix B: KSDE Special Education Teacher Endorsements for Reimbursement*, the complainant is appropriately licensed to teach students with a range of mild-moderate disabilities that impact learning and who are able to participate in general education curriculum with additional support through the IR resource classroom setting.

The complainant alleges there were four students on her caseload that should have been considered as students with low incidence disabilities because their curriculums were significantly modified from what was being taught to their same-grade peers and, as such, the complainant was not appropriately licensed to teach these four students through her IR resource classroom.

According to guidance provided by the Director of Special Education and Title Services (SETS) for the Kansas State Department of Education (KSDE) dated September 22, 2025:

Most Interrelated Resource Rooms are composed of “high incidence” students such as learning disabled, emotionally disabled, other health impaired and indicates that the teacher is primarily working on grade level content with students that are expected to have access to the general education curriculum for the majority of the school day, whether in a resource room and/or general education environments / classrooms.

Low incidence disabilities require more functional support for daily living skills, social and communication interaction, access to a curriculum that is grade level but often adapted or modified based on the level of the child’s disability such as Intellectual Disability, Multiple Disabilities, or severe Autism.

Based on interviews and documentation, it appears that Student 1, who is in kindergarten, and Student 3, who is in first grade, are working on skills in both the general and special education settings that at least some of their same-grade peers are also learning. The same is true for Student 4 whose district-wide assessments show that the student is demonstrating ELA and Math skills that fall within the average range as compared to same-grade peers. The IEPs for these three students indicate they spend most of their school day with same-grade peers.

These three students appear to meet the definition of “High Incidence” because these students display a range of mild-to-moderate disabilities which impacts learning but these students are still able to participate in the general education curriculum with additional special education support.

However, Student 2's IEP states, "[Student 2] needs intensive instruction in the special education classroom. [Student 2's] curriculum is modified from the general education curriculum to better suit Student 2's educational and behavioral needs". The IEP calls for the student to participate in the state-wide alternate assessment designed for the 1% of students working to meet the essential elements of the grade-level standards. The IEP describes the student's academic skills as emerging and significantly below those of same-grade peers who are now reading to learn new material, writing multiple paragraph responses, and learning multiplication / division. The student's IEP indicates more than three hours per day of special education instruction is provided in the special education setting away from same-grade peers focusing on core academics as well as over three hours per day of special education instruction and attendant care is provided in the general education classroom with the classroom teacher noting the student needing one-to-one instruction with immediate feedback and redirection.

This student appears to meet the definition of "Low Incidence" because the student displays an intellectual disability that has more significantly impacted the student's rate of learning as compared to peers and is less able to participate in the same-grade general education curriculum. According to *Appendix B: KSDE Special Education Teacher Endorsements for Reimbursement*, the special education teacher working with Student 2 should hold a Kansas Teaching License with an endorsement to teach students with Low Incidence disabilities.

It is noted that the LEA believes that, because the Student 2's IEP includes goals that are addressed in both the general and special education settings, the student should be considered as "High Incidence" and thus the complainant is appropriately licensed to teach this Student 2. However, the guidance provided by the Director of Special Education and Title Services (SETS) for the Kansas State Department of Education (KSDE) dated September 22, 2025 provides this clarification, "*ALL students with disabilities should be "included" in grade level activities. Inclusion alone does not circumvent appropriate licensure.*"

There is evidence to support a finding that the LEA failed to provide Student 2 with a special education teacher licensed to teach students with Low Incidence disabilities at Mill Creek Elementary School during the 2025-26 school year. Based on the foregoing, the district is determined to be OUT of compliance with state regulations at K.A.R. 91-31-34 which describe the requirements for LEAs to follow in order to provide appropriately qualified staff for teaching assignments in Kansas school districts.

Corrective Action

1. No later than 15 days from the date of this report, USD #512 will provide SETS with an assurance statement that it will comply with state regulations at K.A.R. 91-31-34 and will ensure appropriately licensed special education teachers are employed to teach and support students with Low Incidence disabilities.

2. USD #512 will review the guidance provided by the Director of Special Education and Title Services (SETS) for the Kansas State Department of Education (KSDE) dated September 22, 2025 and develop a plan for providing Student 2 with access to a special education teacher who holds licensure for Low Incidence Disabilities within 15 school days from the date of this report and implement this plan no later than first day of the second quarter. The LEA will provide SETS with a written copy of the plan no later than October 30, 2025.
3. USD #512 will notify the parents of Student 2 in writing of the noncompliance and of the plan to provide the student with access to an appropriately licensed special education teacher beginning no later than the beginning of the second quarter of the 2025-26 school year.
4. USD #512 will review Student 2's IEP Goal Progress Report for the first quarter of the 2025-26 school year to determine if the student is making adequate progress towards achieving the IEP goals. If yes, the LEA will provide SETS with a copy of these IEP Goal Progress Reports. If no, the LEA will reconvene the student's IEP Team with the Low Incidence licensed special education teacher as a team member no later than 20 days from the date of the start of the second quarter to review and revise the IEP to address the lack of progress. At the end of the meeting, the LEA will provide the parents with appropriate PWN no later than two days following the date of the IEP Team Meeting. The LEA will provide KSDE with copies of the IEP Team Meeting notes and a copy of the PWN as documentation for correction of the individual noncompliance.
5. Using the guidance provided by the Director of Special Education and Title Services (SETS) for the Kansas State Department of Education (KSDE) dated September 22, 2025, USD #512 will develop a plan to identify any other students with Low Incidence disabilities who do not have access to an appropriately licensed teacher. This plan must include parent notification and a review of IEP Goal Progress Reports to determine if the noncompliance negatively impacted progress towards achieving IEP goals for these students. If lack of progress is identified, the plan must include a requirement to reconvene the identified student's IEP team to review and revise the IEP with a special education teacher licensed to teach students with Low Incidence as an IEP team member. The LEA will provide SETS with a list of identified students and the outcome of of the review for each student by the first day of the second semester of the 2025-26 school year.

Nancy Thomas

Nancy Thomas, M.Ed., 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)