

KANSAS STATE DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND TITLE SERVICES
REPORT OF COMPLAINT
FILED AGAINST
UNIFIED SCHOOL DISTRICT #437, AUBURN/WASHBURN PUBLIC SCHOOLS
ON SEPTEMBER 4, 2025
DATE OF REPORT: OCTOBER 11, 2025

This report is in response to a complaint filed with the Kansas State Department of Education against USD #437 (Auburn/ Public Schools) on behalf of ----- by his mother ----- . In the remainder of the report, _____ will be referred to as “the student” and ----- as “the parent” or “the complainant.”

The complaint is against USD #437 (Auburn/ Public Schools). In the remainder of the report, USD #437 will be referred to as “the Local Education Agency”. 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.” For the 2024-2025 school year the student attended 5th grade at Pauline South Intermediate School full-time until October 28, 2024 when the student’s mother requested homeschooling. The student continued to receive special education service minutes at the school for the duration of the 2024-2025 school year. Throughout this report Pauline South Intermediate School will be referred to as “the school.” School and Local Education Agency staff will be referred to In the remainder of this report as follows:

- Megan Geyser, director of special education
- Heidi Carlson, director of secondary special services
- Dawna Dennis, special education case manager
- Jennifer Mader, speech and language pathologist
- Kristine Wanamaker, previous special education teacher for the student
- Megan Boyte , school psychologist
- Christopher Holman, principal
- Mike Haire, school principal
- Tracie Bauer, social worker

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 September 8, 2025.

Evidence Reviewed

During the investigation, the Complaint Investigator, Donna Wickham, reviewed all evidence and documentation provided by the Local Education Agency and the parent. Due to the volume of emails and documents submitted not all are listed. Below are the documents and emails used directly in consideration and support of the investigation. The investigator interviewed the parent by phone on September 26, 2025 and the Assistant Director of Special Services and Director of Secondary Special Services for USD #437 on September 25, 2025 as part of this investigation.

The following materials were used as the basis of the findings and conclusions of the investigation:

Documents:

1. IEP dated March 20, 2024
2. May 5, 2025 Resolution letter from KSDE regarding Child Complaint 25FC437-001
3. IEP Amendment dated October 28, 2024
4. Prior Written Notice for Identification, Initial Services, Placement, Change in Services, Change of Placement and Request for Consent, dated October 28, 2024, signed by parent on October 25, 2024
5. Notice of Meeting dated March 5, 2025
6. Evaluation Team Report dated March 11, 2025
7. Prior Written Notice for Identification, Initial Services, Placement, Change in Services, Change of Placement and Request for Consent, dated March 11, 2025, signed by parent on March 25, 2025
8. Individualized Education Program (IEP) dated March 11, 2025
9. IEP Amendment dated May 8, 2025
10. Prior Written Notice for Identification, Initial Services, Placement, Change in Services, Change of Placement and Request for Consent, dated May 8, 2025
11. IEE timeline dated May 8, 2025 through August 26, 2025 at 4:16 p.m.
12. IEP Amendment dated May 23, 2025
13. Prior Written Notice for Identification, Initial Services, Placement, Change in Services, Change of Placement and Request for Consent, dated September 18, 2025
14. LEA Response to Complaint 26FC437-001

Emails:

1. Email from special education case manager to parent dated October 28, 2024 at 8:14 p.m.
2. Email from parent to the district dated March 7, 2025 at 8:00 a.m.
3. Email from principal to mother dated April 11, 2025 at 4:25 p.m.
4. Email from director of special education to parent dated May 8, 2025

5. Email exchange between parent and director of secondary special services dated July 15, 2025
6. Email from director of secondary special services to director of provider at agency the LEA had provided and thought parent had selected for the IEE dated July 15, 2025 throughout day and ending at 5:49 p.m.
7. Email exchange between director of secondary special services to director of technology at LEA dated July 16, 2025 between 8:47 a.m. and 11:04 a.m.
8. Email exchange between director of secondary special services and principal dated July 17, 2025 between 11:04 a.m. and 4:04 p.m.
9. Email exchange between director of secondary special services and director of technology at LEA dated July 17, 2025 between 4:04 p.m. and 5:05 p.m.
10. Email exchange between director of secondary special services and director of provider at agency the LEA had provided dated July 17, 2025 between 4:10 p.m. and 4:42 p.m.
11. Email exchange among parent, director of special education, KSDE Dispute Resolution Coordinator and director of secondary special services dated August 6, 2025 between 2:04 p.m. and 3:36 p.m.
12. Email from
13. Email from parent to director of special education, KSDE Dispute Resolution Coordinator and director of secondary special services dated August 7, 2025 at 3:02 p.m.
14. Email from parent to director of special education and KSDE Dispute Resolution Coordinator dated August 20, 2025 at 11:45 a.m.
15. Email from director of special education to IEE provider dated August 20, 2025 at 12:01 p.m.
16. Email from KSDE Dispute Resolution Coordinator to director of special education and parent dated August 20, 2025 at 12:22 p.m.
17. Email exchange between director of parent-selected IEE provider to director of special education dated between August 21, 2025 at 4:19 p.m. and August 22, 2025 at 6:42 a.m.
18. Email exchange among KSDE Dispute Resolution Coordinator, director of special education, director of secondary special services, and Assistant Director, KSDE dated between August 26, 2025 between 2:54 p.m. and 3:34 p.m.
19. Email between director of special education and director of parent-selected IEE dated August 26, 2025 at 3:38 p.m. and 4:04 p.m.
20. Email from director of special education to KSDE Dispute Resolution Coordinator, director of secondary special services, and Assistant Director, KSDE dated August 26, 2025 at 3:40 p.m. and 4:09 p.m.
21. Email from KSDE Dispute Resolution Coordinator to director of special education, director of secondary special services, and Assistant Director, KSDE dated August 26, 2025 at 4:16 p.m.
22. Email from parent-selected IEE provider to director of special education dated August 6, 2025 at 5:49 p.m.

23. Email exchange between social worker and mother dated September 5, 2025 at 6:08 a.m. and 8:21 a.m.
24. Email exchange between principal and mother dated September 5, 2025 at 6:43 a.m.12:14 p.m.
25. Email exchange between mother and KSDE Dispute Resolution Coordinator dated September 11, 2025 between 2:39 p.m. and 5:30 p.m.

Background Information

The subject of this complaint was a 5th-grade student during the 2024-2025 school year who lives at home with their mother. As noted in the March 11, 2025, evaluation report the student was found eligible for special education services with the exceptionalities of Specific Learning Disability and Other Health Impairment. On October 3, 2024, the student began homeschooling but continued to receive reading and math individualized instruction at the student's middle school.

For the duration of the 2024-2025 school year two IEPs were in effect, dated March 20, 2024 and March 11, 2025. As a part of the IEPs the student received special education, speech, language pathology, and social work services. The student additionally had learning and behavioral accommodations for testing and academics.

It is noted that the parent filed a child complaint assigned as 25FC437-001 on April 9, 2025 and the LEA offered a resolution that was accepted on May 5, 2025. This resolution addressed three issues. Each of these issues and resolutions are either directly or indirectly addressed in this current complaint.

Issues Investigated

Issue One

Did USD #437, in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), provide the parent a Notice of meeting for a March 2025 IEP meeting?

Applicable Law

Federal regulations at 34 CFR §§300.322(a)(c) state, Notice of Meeting Notice must be given early enough to ensure that parents will have an opportunity to attend. Further, K.A.R. 91-40-17(a) states that the LEA must provide written notice to parents at least 10 calendar days in advance of any IEP team meeting.

Parent Position

The child complaint stated that the LEA scheduled an IEP meeting on March 11, 2025 and did not provide the parent written notice of the meeting ten days ahead.

Local Education Agency Position

In the Local Education Agency response, the LEA acknowledges that the parent was not given written notice of at least ten days prior to the March 11, 2025 meetings, which is a violation of procedural requirements under the IDEA.

Analysis: Findings of Fact

1. The district acknowledged they did not provide written notice to the parent at least ten days prior to the March 11, 2025 meeting.

Conclusion

The *Local Education Agency acknowledged they are out of compliance* with providing the parent notice of the March 11, 2025 meeting and corrective action is required.

Issue Two

Did USD #437, in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), allow the parent participation in a March 2025 IEP meeting?

Applicable Law

Federal regulations at 34 C.F.R. §300.501(b)(1) states that parents must be given an opportunity to participate in meetings with respect to the identification, evaluation, educational placement, and provision of FAPE. Parent participation is defined in three ways:

1. Timely notice and information which means that parents receive written notice with enough time to prepare including the purpose, time location and who will be attending the meeting ahead of time (in Kansas 10 days)(§300.322(b)(1).
2. Ability to attend in person or through alternative means which means that schools must schedule meetings at a mutually agreed upon time/place or if the parent cannot attend in person the school must use other methods such as phone calls or video conferences (§§300.322(a)(2)(c)).
3. Right to bring others with knowledge or special expertise including advocates or attorney (§300.321(a)(6)) as well as full participation in discussion, access to documents and data and consideration of concerns.

Parent Position

The complaint alleged that she was not given ten days of written notice for the March 11, 2025 IEP meeting and therefore her ability to participate in the IEP was impacted.

Local Education Agency Position

The LEA responded that the parent confirmed the scheduled meeting date and time of March 11, 2025 at 8:00 via email on March 7, 2025. A notice of meeting was electronically provided to

the parent on March 10, 2025. As acknowledged in Issue One by the LEA, the parent was not given adequate for the March 11, 2025 meeting which is a violation of procedural requirements under IDEA. The re-evaluation and subsequent IEP meeting were conducted on March 11, 2025, with the parent in attendance. The parent's concerns were documented within the IEP, confirming the parent participation was supported and occurred as required under IDEA.

Analysis: Findings of Fact

The findings of Issue One are incorporated herein by reference.

1. The parent stated during her interview with the investigator that she had not planned to invite any outside persons to the IEP meeting and had provided items she wished to discuss at the IEP meeting with the team. She stated emphatically that she really didn't agree with the findings of the evaluation and was prepared for the IEP meeting but wasn't able to have her opinion "heard" by the team.
2. The LEA staff stated during their interview with the investigator that the parent did not state before or during the meeting that she was unable to invite outside persons due to the short notice of the meeting. Further, they stated that she has not invited outside persons to IEP meetings in the past. They additionally stated that the parent did not mention that she was unable to prepare and in fact, had provided the IEP team with agenda items that were discussed at the meeting.

Conclusion

Although the LEA was found out of compliance in Issue One with providing adequate notice, the interviews with the LEA and parent show that through the parent's diligence was able to fully participate in the IEP meeting. Therefore, the *Local Education Agency is IN compliance*, and no corrective action is required.

Issue Three

Did USD #437, in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), fail to call an IEP meeting during the 2024-2025 school year when the student failed to make adequate progress on his IEP goals?

Applicable Law

The federal regulation at 34 C.F.R. §34 C.F.R. § 300.324(b)(1)(ii)(A) and Kansas statute at K.S.A. 72-3429(f)(2)(A) states the IEP must be reviewed annually to determine whether the annual goals for the child are being achieved and revised, as appropriate, to address a lack of expected progress toward goals.

Parent Position

The parent complaint stated that she emailed the LEA at the beginning of the 2024-2025 school year about the student's needs not being met at school and the student's social emotional health suffered and as a result withdrew the student on October 3, 2024 opting for homeschooling for the short term until the student's behavior stabilized. The parent stated that she continued the student's special education reading and mathematics services but asked that the speech and social work service be paused but were never reinstated during the 2024-2025 school year. The parent stated that the student was not making progress on any of their goals.

Local Education Agency Position

The Local Education Agency states that on September 10, 2024 the parent emailed the special education teacher and building principal regarding concerns and the LEA met with the parent to discuss concerns. On October 28, 2024, the student's placement was changed to homeschooling and the LEA continued to provide special education academic services during the school year. The parent filed a child complaint with the KSDE April 9, 2025 regarding the student's lack of progress and the LEA offered a resolution to KSDE, offering compensatory services and more frequent progress updates which was subsequently accepted and implemented during the 2025-2026 school year. Student data is being collected but the first quarter of the school year is not until October 9, 2025.

Analysis: Findings of Fact

The findings of the previous issues are incorporated herein by reference.

1. The Child Complaint 25FC437-001 shows that an allegation was made on April 9, 2025 during the 2024-2025 school year regarding lack of student progress and a resolution was made and accepted by the KSDE.
2. The KSDE letter dated May 5, 2025 from Assistant Director of Special Education and Title Services to the Complainant and Assistant Special Education Director of the LEA provided the KSDE accepted resolution to Child Complaint 25FC437-001 in recognition of the LEA self-assessment that, "In reviewing this complaint, the district acknowledges that the student did not make adequate progress toward identified IEP goals, specifically around reading, as reflected in documented progress reports." and proposed the following resolution, "25FC437-001 will provide compensatory reading services for 30 minutes daily through the remainder of the IEP. A timeline for these services will be developed and included in the revised IEP by the IEP team. The district will continue to have progress monitoring data shared with the parents at least every two weeks. This will help ensure that the student's progress is tracked and that necessary adjustments can be made in a timely manner." This letter states, "After reviewing the district's proposal and the complaint file, it has been determined that the

district's proposed resolution should be, and is, accepted. The district is directed to notify Special Education Services when the specified resolutions have been completed."

3. Documentation received by the investigator from the LEA and Complainant show that progress monitoring data are shared by the IEP team at least every two weeks.
4. The Prior Written Notice for Identification, Initial Services, Placement, Change in Services, Change of Placement and Request for Consent dated May 8, 2025 documents that the student will begin to receive an additional 30 minutes, 5 days a week of direct, specially designed instruction in the special education classroom. Additionally, the Assistant Director of Special Education reported during the September 25, 2025 interview with the investigator that while reviewing and responding to Child Complaint 25FC467-001 it was discovered that the student's related services were not provided and added these services as part of the PWN as follows:

[Student] missed 460 minutes of social work services between the dates of October 28, 2024 through May 8, 2025. Therefore, [student] will benefit from 460 minutes of compensatory services. Beginning May 12, 2025 and ending September 12, 2025; an additional 48 minutes of social work services will be added to [student's] regular 20 minutes weekly. The sessions will focus on [student's] social-emotional goal as written in the current IEP. The schedule of these sessions, as agreed upon with the family are as follows: Services will begin May 12, 2025. They will be offered as 23 minutes, 3 days a week through September 12, 2025. In the event enough sessions are missed, sessions will be offered beyond the September 12, 2025 date until the total number of offered compensatory services are met. [Student] missed 200 minutes of speech-language services between the dates of March 28, 2025 through May 8, 2025. Therefore, [student] will benefit from 200 minutes of compensatory services. Beginning May 12, 2025 and ending August 22, 2025; an additional 10 minutes of speech-language services will be added to [student's] regular 20 minutes, 2 days a week. In the event enough sessions are missed, sessions will be offered beyond August 22, 2025.

5. The IEP amendments dated May 8, 2025 and May 23, 2025 documents the service minutes recorded in the May 8, 2025 PWN. The May 8, 2025 IEP amendment was signed on May 8, 2025 and the May 23, 2025 IEP amendment was signed by the parent on June 3, 2025.
6. The March 11, 2025 IEP documents that, "Parents will receive written reports of the student progress toward meeting annual IEP goals in accordance with the district's established grade reporting schedule."
7. The 2025-2026 LEA calendar shows October 9, 2025 as the end of the first grading period.

Conclusion

Based on the previous child complaint and resolution accepted from the KSDE on May 5, 2025 the investigation of this was limited to progress made since May 5, 2025. Since the student's IEP specifies that progress will be reported in accord with the district's "established grade reporting schedule" and that period is not scheduled until October 9, 2025 the Investigator

found that the complaint has been filed prematurely since the Local Education Agency has not adequate time to report progress since the resolution. As a result, the *Local Education Agency is found IN compliance* and no corrective action is required.

Issue Four

Did USD #437, in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), failed to develop an IEP during the 2024-2025 school year that met the student's behavior and emotional needs resulting in the student being bullied and not meeting his emotional needs?

Applicable Law

Federal regulations at 34 C.F.R. §§300.324(a)(1); (2)(i) and Kansas statutes at K.S.A. 72-3429(d) states requires that an IEP be developed, but that it be developed by the IEP team comprised of the parents, teachers and individuals knowledgeable about the child and the curriculum to meet the unique needs of the child. When developing the IEP, the IEP team must consider the strengths of the child, parent concerns, results of evaluations, academic, developmental, and functional needs of the child as well as any special factors such as behavior that impedes learning, limited English proficiency, communication needs, and any need for assistive technology.

Parent Position

The parent complaint stated that the district did not develop an IEP during the 2024-2025 school year to amend social services, teach emotional expressing skills, address internalization behaviors, address ASD, and implement a Behavioral Intervention Plan (BIP) incorporating a reward system (e.g., office helper breaks).

Local Education Agency Position

The Local Education Agency states that the IEP developed on March 20, 2024 included considerations for the student's behavior and emotional needs. Within the IEP, the team responded "yes" to the question regarding whether the student's behavior impedes their own learning or that of others. To address these needs, the IEP included: alternate settings for self-regulation breaks, and allowance of frequent breaks until the student felt self-regulated and weekly 20 minute pullout social work services to support the goal of demonstrating pro-social interaction skills with peers in social settings at 95% accuracy by the end of the IEP, as measured by observations. At the March 11, 2025 IEP meeting, the team determined that the student's behavior was no longer impeding the student's learning of self or others. The IEP continued weekly 20-minute pullout social work services to address the goal of demonstrating pro-social interaction skills with peers, specifically making, and maintaining friendships in a positive and safe manner, at 95% accuracy by the end of the IEP as measured by observation.

The IEP team also continued the previously established accommodations, including alternate settings for the use of frequent self-regulation breaks.

Additionally, based on the previous child complaint regarding IEP development, the LEA acknowledged that it did not develop an IEP fully responsive to the unique needs of the student, particularly regarding the related services of social work and provided compensatory social work services for the remainder of the 2024-2025 school year and the first 10 weeks of the 2025-2026 school year.

Analysis: Findings of Fact

The findings of the previous issues are incorporated herein by reference.

1. Issue One from the previous child complaint investigated whether the LEA, in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), developed an IEP that was appropriate for the unique needs of the student. The LEA acknowledged that it did not develop an IEP that was fully responsive to the unique needs of the student, particularly regarding related services. The resolution involved staff training to address the district not providing social work services who primarily implemented the social skill goal of the student while in a homeschool. The resolution focused on staff training and compensatory services.
2. The March 11, 2025 reevaluation report only relied on parent report for behavioral needs as the student was homeschooled with the exception of special education reading and math services. Behaviors were rated as average or at-risk.
3. An email on April 11, 2025 at 4:25 p.m. from principal to mother stated, "If it is your desire to have [them] return to [school] as a full time student for the rest of the school year then [they] would just need to be enrolled as such. The plan in place would be to have [them] rejoin [their] classroom and then continue to receive the services that [they] [have] been getting."
4. The March 11, 2025 IEP includes a goal, When in social settings, [student] will be able to regularly demonstrate pro-social interaction skills with making and maintaining friendships (interacting in a positive, safe manner in both conversation and actions) at 95% by end of the IEP as measured by Observation. The IEP includes the following accommodations: Allow frequent breaks and alternate setting. The IEP team determined that the student's behavior does not impact the student's own learning or the learning of others.
5. The parent stated in the interview with the investigator that she disagreed with the reevaluation findings and requested an IEE.
6. The PWN dated September 18, 2025 agreed to pay for an IEE for the student.

Conclusion

It is found that the LEA acknowledged that the IEP was not developed appropriately to the unique needs of the student. A re-evaluation was conducted, and a new IEP was developed,

however, the parent disagreed and requested an IEE. As addressed in Issue 7 this IEE is not completed. As such it is found that it is premature to make a finding since the resolution dated May 5, 2025 acknowledged the IEP was not appropriate and the parent disagreed with the reevaluation and an IEE is pending.

Issue Five

Did USD #437, in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), develop an IEP during the 2024-2025 school year that met the student's needs specific to reading?

Applicable Law

Federal regulations at 34 C.F.R. §§300.324(a)(1); (2)(i) and Kansas statutes at K.S.A. 72-3429(d) states requires that an IEP be developed, but that it be developed by the IEP team comprised of the parents, teachers and individuals knowledgeable about the child and the curriculum to meet the unique needs of the child. When developing the IEP, the IEP team must consider the strengths of the child, parent concerns, results of evaluations, academic, developmental, and functional needs of the child as well as any special factors such as behavior that impedes learning, limited English proficiency, communication needs, and any need for assistive technology.

Parent Position

The parent complaint stated that her child was identified dyslexia in 3rd grade and has continually requested the IEP to incorporate dyslexia specialized reading instruction such as Orton-Gillingham or multisensory methods and assistive technology such as text to speech software and audiobooks.

Local Education Agency Position

The Local Education Agency states that the IEP developed on March 20, 2024 identified the student's needs in reading and included two reading goals. To support the student the IEP team provided extensive accommodations across all subjects including shortened assignments, read-aloud, access to text-to-speech software, use of word banks, limited multiple-choice, written models limited to three sentences, extended time (not to exceed two days), oral testing, alternate setting, written models limited to three sentences, chunking of assignments, use of a scribe, lined paper, and handwriting checklists. The student was also provided with resource services for 40 minutes, 5 days every week of specially designed instruction for reading.

At the annual IEP review held on March 11, 2025, the IEP team revised the students reading goals based on review of progress data and the reevaluation. The IEP team recommended that the student participate in Extended School Year due to regression to target academic goals

following the 2023-2024 and 2024-2025 school years, however the student did not participate during either summer.

Analysis: Findings of Fact

The findings of previous issues are incorporated herein by reference.

1. Issue One from the previous child complaint investigated whether the LEA, in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), developed an IEP that was appropriate for the unique needs of the student. The LEA acknowledged that it did not develop an IEP that was fully responsive to the unique needs of the student, particularly regarding related services. The resolution involved staff training to address the district not providing social work services who primarily implemented the social skill goal of the student while in a homeschool. The resolution focused on staff training and compensatory services.
2. An email from the special education teacher to mother dated October 28, 2024 at 8:14 p.m. stated, "The reading that I sent home today was meant as a resource for you if you choose to use it. It is not for [student] to read completely on [their] own but for [them] to follow along while an adult reads it with/to [them]. [They] can also use the passage to find and read the sight words that are familiar to [them]. I understand that [student] is an emerging reader and I am meeting [student] where [they] are at with [their] reading skills. We will continue to work on [their] skills at [their] level, along with [their] sight words, and vocabulary. These are all things that we address during reading intervention to help [student] make as much progress as possible in the time given. [Student] is a very hard worker and [they] learn the new skills with repetition. We just need to keep working and progressing at [their] level at a rate that is manageable"
3. The March 11, 2025 reevaluation report found academic weaknesses in basic reading skills and reading fluency. Evaluation results suggest that the student struggles with phonological awareness, specifically when blending, deleting, and isolating sounds in words and suggest that the student continues to meet the criteria to receive special education services under the exceptionality of Specific Learning Disability, specifically in the areas of word recognition/decoding (dyslexia).
4. The March 11, 2025 IEP includes two goal, 1) When given 10 one syllable VC and CVC words, Common Beginning- and -Ending Consonant Digraphs words and 10 one syllable CVCC and CCVC words, the student will be able to read each list of words at with 90% accuracy by end of the IEP as measured by Running Records; and 2) When given a read passage at grade level 1, the student will be able to read the passage at 60 words per minute with 90% accuracy by end of the IEP as measured by Running Records. The following reading accommodations include: arrange for oral testing, shorten assignments, read aloud, access to Text to Speech software, Use of word banks, limited multiple choice, extended time, chunking of assignments and allow other Verbal responses, answers dictated to scribe on classroom assignments or assessments.

5. The parent stated in the interview with the investigator that she disagreed with the reevaluation findings and requested an IEE.
6. The PWN dated September 18, 2025 agreed to pay for an IEE for the student.

Conclusion

As in the case with Issue five, it is found that the LEA acknowledged that the IEP was not developed appropriately to the unique needs of the student. A re-evaluation was conducted, and a new IEP was developed, however, the parent disagreed and requested an IEE. As addressed in Issue 7 this IEE is not completed. As such, it is found that it is premature to make a finding since the resolution dated May 5, 2025 acknowledged the IEP was not appropriate and the parent disagreed with the reevaluation and an IEE is pending.

Issue Six

Did USD #437, in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), provide the student access to a screen reader for instruction and testing during the 2024-2025 school year?

Applicable Law

Federal regulations at 34 C.F.R. §300.323(c)(2) require school districts to ensure that as soon as possible following the development of the IEP, special education and related services are made available to the child in accordance with the child's IEP. K.A.R. §91-40-16(b)(2) further specifies those services for which written consent has been granted as specified by law are implemented not later than 10 school days after parental consent is granted unless reasonable justification for a delay can be shown.

Parent Position

The parent complaint stated that the student told their mother that while at school the teachers put him on the computer and the student reported that they would just click through the pages, not using the screen reader. The complainant stated that they should have prevented the student from just clicking through and when she notified the school about this, she was ignored.

Local Education Agency Position

The Local Education Agency states that the student was provided with access to Text-to-Speech (TTS) software as specified in the IEP for all subjects, applicable to assignments and assessments of any length. Beginning at the end of October 2024 the student began homeschooling and only attended the school for special education services and the student did not participate in state testing per parent request.

Analysis: Findings of Fact

The findings of the previous issues are incorporated herein by reference.

1. The IEPs dated March 20, 2024 and March 11, 2025 include Access to Text to Speech Software as an accommodation when given an assignment or assessment.
2. During the LEA interview on September 25, 2025 the LEA staff stated that the majority of the 2024-2025 school year the student was in a small group working on IEP goals in the special education room and the majority of the work did not require the use of a computer. They stated that if the student had been in the general education setting this accommodation would have been used more extensively. The staff stated that the student's Chromebook has the screen reader, Read & Write installed and the student knows how to use it. They reported that in their experience the student requires some reminders that the screen reader is available and to use it. When reminded the student will readily use it. The case manager also noted that the student has not created the habit of using the program due to the fact that they do a lot of human reading to the student.

Conclusion

It is found that the nature of the special education instruction during the 2024-2025 school year did not readily lend itself to use of the text reader. It is anticipated that now that the student is attending the school full-time this accommodation will be used more extensively. Based on the foregoing, It is found that the Local Education Agency implemented the screen reader accommodation during the special education service minutes during the 2024-2025 school year and *is IN compliance* and no corrective action is ordered.

Issue Seven

Did USD #437, in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), provide a prior written notice to the parent to obtain an independent education evaluation (IEE) pursuant to child complaint 25FC437-001 in a timely manner?

Applicable Law

Federal regulations at 34 C.F.R. §300.502(b)(5) and Kansas statutes at K.A.R. 91-40-12 the parent of an exceptional child shall have the right to request an independent educational evaluation at public expense if the parent disagrees with the evaluation obtained by the agency.

K.A.R. 91-40-12(b)(1)(2) states that if a parent requests an independent educational evaluation of the child, the agency, without unnecessary delay, take one of the following actions: (1) Initiate a due process hearing to show that its evaluation is appropriate; or (2) (A) Provide information to the parent about where an independent educational evaluation may be obtained and the agency criteria prescribed under subsection (g) that apply to independent educational evaluations.

34 C.F.R. § 300.503(a)(1)(2) and K.S.A. 72-3432 regarding Prior Written Notice states, "Written notice must be given to the parents of a child with a disability a reasonable time before the public agency either proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.

Parent Position

The parent complaint stated that she made a request for an Independent Educational Evaluation on April 1, 2025 and the LEA did not respond in a timely manner.

Local Education Agency Position

The Local Education Agency states that the Prior Written Notice (PWN) related to the parent's request for an Independent Educational Evaluation (IEE) pursuant to a formal complaint (25FC[LEA#]) was provided in a timely manner. The formal complaint resolution was finalized on May 5, 2025 and the PWN was subsequently emailed to the Complainant on May 8, 2025. To support the Complainant's ability to make an informed choice, the LEA contacted potential IEE evaluators to confirm their availability as options for the family.

Analysis: Findings of Fact

The findings of the previous issues are incorporated herein by reference.

1. An email from the Complainant to the LEA shows the parent first requested an IEE on March 31, 2025 and the LEA acknowledged the request on April 1, 2025.
2. The KSDE resolution dated May 5, 2025 documented that the LEA did not fulfil its obligation to meet the "procedural requirements under the Individuals with Disabilities Education Act (IDEA) and Kansas special education regulations regarding a parent's request for an Independent Educational Evaluation (IEE)." As a result, the following resolution was accepted by KSDE, the LEA will immediately issue a Prior Written Notice (PWN) formally responding to the parent's IEE request.
3. The PWN dated May 8, 2025 shows that the LEA agreed to paying for an IEE, "Following [student's] evaluation, the parent disagreed with the evaluation results and requested an independent educational evaluation (IEE). Per the KSDE Process Handbook, [LEA] is required to provide the parent with several options of where an IEE could be conducted." Two options were listed in the PWN.

Conclusion

It is found that the Local Education Agency addressed this issue in the resolution documented in the KSDE letter dated May 5, 2025. A PWN dated May 8, 2025 is written. Based on the foregoing, at this point in time the *LEA is IN compliance* with providing a PWN to the parent responding to a request for an IEE and no corrective action is ordered.

Issue Eight

Did USD #437, in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), facilitate the parent obtaining the IEE as part of a resolution agreement pursuant to child complaint 25FC437-001?

Applicable Law

Federal regulations at 34 C.F.R. §34 C.F.R. §§300.502(a)(b) and Kansas regulations at K.A.R. 91-40-12(b)(2)(A)(B) states that if a parent requests an independent educational evaluation of the child and the agency agrees, then the agency, without unnecessary delay, shall provide information to the parent about where an independent educational evaluation may be obtained and the agency criteria prescribed under subsection (g) that apply to independent educational evaluations, and either pay the full cost of the independent educational evaluation or otherwise ensure that the evaluation is provided at no cost to the parent.

Parent Position

The parent complaint stated that the LEA failed to comply with the KSDE's resolution and obstructed the completion of an independent educational evaluation by mishandling the student's appointment. The agency imposed an unreasonable request of information duration requirement not mandated by IDEA, delaying and essentially denying the IEE. Further, the agency mishandled the student's appointment by failing to know that the student could not independently complete the reading portions of the evaluation.

Local Education Agency Position

The Local Education Agency states that in the PWN dated May 8, 2025 two IEE providers were listed, and the LEA had reached out to each to ensure their availability during the summer. The LEA stated that the parent ultimately selected a different IEE provider which the LEA agreed to work with once they learned that this provider had been selected by the parent. Unfortunately, the IEE provider selected by the parent was located within a different department within the same agency as one of the IEE providers listed on the PWN. This led to confusion and resulted in a delay in making payment and the IEE appointment. Once the IEE appointment started, the parent-selected provider was not prepared to evaluate the student based on the student's reading ability. This led to another delay and resulted in the parent filing this child complaint. The district issued a new PWN dated September 18, 2025 listing additional IEE providers.

Analysis: Findings of Fact

The findings of the previous issues are incorporated herein by reference.

1. The PWN dated May 8, 2025 listed two providers. "The following are provided as options for the parent to consider: 1. School psychologist employed by a different USD LEA - 2. Outcomes, Assessment Services, & Intervention Supports (OASIS) at University of Kansas Department of Educational Psychology

2. The LEA response stated that the parent did not indicate to the LEA the name of the provider they planned to proceed with for the IEE.
3. On July 15, 2025, the parent emailed the LEA, "I was writing to follow up on the evaluation for [student]. [Student's] been on the waiting list and finally has an appointment coming up for Intake. My question is, the eval needs to be paid for up front. I know we agreed to the district paying for that. What is my role in this process?" The LEA responded later that day that the University of Kansas provider does not require payment up front, not realizing the parent had scheduled the IEE appointment with a different University of Kansas provider. The LEA also confirmed with the University of Kansas provider listed on the PWN that it did not require up-front payment and did not have an IEE scheduled with the student.
4. Emails exchanged between July 16 and 17, 2025 between the IEE provider and the LEA show their attempts to verify the legitimacy of the request for prepayment of the IEE services. Additionally, emails between July 15 and 17, 2025 show that the LEA tried to confirm an unknown email requesting the LEA pay for an IEE. Emails between these dates show that without any verification of the email, scheduled appointment and requirement for prepayment the LEA confirmed with the IEE provider listed on the PWN that the request for prepayment was likely a phishing email.
5. The parent and LEA confirmed during interviews with the investigator that the parent used a different email address that was on file with the LEA, which did not allow the LEA to associate the parent-selected IEE provider to be associated with the student. The LEA further clarified in the interview that the Release of Information only allowed the IEE provider to speak to one staff member who was not on staff that summer so phone calls to clarify the email requests for prepayment could not be resolved.
6. An email from the parent to the LEA on August 6, 2025 stated that payment for the IEE for the 10:30 appointment on August 7, 2025 had not been made.
7. Between August 13 and 14, 2025 the LEA and parent-selected IEE provider attempted to clarify scheduling and payment, but there was still not a signed release of information by the parent to talk.
8. On August 20, 2025, the parent email the LEA and Dr. Crista Grimwood at KSDE, writing, "Dr. Grimwood, [student's] appointment for testing has been cancelled the (sic) before [their] testing and no further appointments are going to be made until the fee is paid as discussed in many written requests. There is an ROI on file with KU that I have already signed for KU to speak to [Assistant Director of Special Education]. [Assistant Director of Special Education] has been the director involved in this situation and readily has access to the acquired data that KU may need to gather data from [their] school. This has gone on too long and needs to stop. We have a legal right to this evaluation and I have signed the release for the district to pay. An academic evaluation is defined by the State. If anyone has questions what is being done, it is already predefined by the State and questions should be directed as such."
9. An email from the parent later on August 20, 2025 clarified, "I don't see that [student] is attending an "OASIS" program. Nor, has an appointment for anything related to

behavioral therapy. This is an academic evaluation from KU. I realize OASIS is a program within KU but not the program [student] is participating in. Here is a web link to the services tab on the KU clinic site. The staff you may be referring to is located at the OASIS web address at -- <https://oasis.ku.edu/> . As I mentioned, prepayment is required. The following link does not go to OASIS and goes to the evaluation services offered from KU. <https://kuclinic.ku.edu/services> - you should have the number I sent earlier if you need it."

10. On August 20, 2025 Dr. Crista Grimwood emailed the parent, "Thank you for your email. I have spoken with [Assistant Director of Special Education] regarding this matter and [they] are in contact with KU to rectify the billing situation. I kindly ask that this matter be resolved within one week (August 27, 2025) and updates be sent to KSDE when they are made available . I have no doubt that this matter will be resolved in a timely manner."
11. Between August 21 – 22, 2025 the director of the parent selected IEE provider and LEA exchanged phone and emails to arrange the payment and coordinate release of information to discuss the IEE.
12. The parent took the student to the parent-selected provider however, the clinician "handed [student] an iPad and asked [student] to fill out a questionnaire, unaware that [student] cannot read – despite an extensive case history, previous diagnosis, and evaluation conducted by this provider. This led to the cancellation of subsequent appointments.
13. On September 2, 2025, the parent wrote in the complaint that during a phone call with the parent-selected provider the parent was informed that the 30-day ROI was unacceptable, requirement a longer duration and stated that the IEE would not be conducted until the ROI date was extended.

Conclusion

If a parent requests an independent educational evaluation and the LEA agrees, they are to provide information to the parent about where an independent educational evaluation can be obtained, any qualifications of examiners and location to obtain the evaluation If an independent educational evaluation is provided at public expense. In this case the LEA listed two IEE providers, and the parent selected a different provider. Because the LEA did not realize the parent was working with a different provider and the parent was using an unfamiliar email the LEA was unable to verify the legitimacy of the provider's request for prepayment. Additionally, once the appointment was finally made with the IEE provider selected by the parent the clinician did not adequately prepare for the student's reading needs causing the parent to not complete the IEE during the scheduled time and discontinuing the IEE with this provider.

Based on the foregoing, it is found that the LEA did not impede the scheduling, payment nor completion of the IEE. Therefore, the **LEA is IN compliance** with facilitating the parent obtaining the IEE as part of a resolution agreement pursuant to the child complaint 25FC437-001.

Summary of Conclusions/Corrective Action

1. ISSUE ONE: A violation of 34 CFR §§300.322(a)(c) and K.A.R. 91-40-17(a) was found. Corrective action is required as follows:
 - a. A procedural violation of 34 CFR §§300.322(a)(c) and K.A.R. 91-40-17(a) was found based on not providing a notice of meeting to the parent for the March 11, 2025 IEP meeting. The LEA shall immediately, within 21 school days, submit a written statement of assurance to Special Education and Title Services (SETS) stating that it will comply with state statutes and regulations 34 CFR §§300.322(a)(c) and K.A.R. 91-40-17(a).
 - b. The LEA shall send an email to all case managers reminding them of their obligation to notify parents of any and all upcoming IEP meetings with 10 days of written notice. The LEA shall submit evidence of this email and the recipients of the email to SETS by November 11, 2025.
2. ISSUE TWO: A violation of 34 C.F.R. §300.501(b)(1), 34 CFR §§300.322(a)(2),(b)(1),(c) and 34 CFR §300.321(a)(6) was not found. Corrective action is not required.
3. ISSUE THREE: A violation of 34 C.F.R. §34 C.F.R. § 300.324(b)(1)(ii)(A) and Kansas statute at K.S.A. 72-3429(f)(2)(A) was not found as it was premature to make a finding. Corrective action is not required.
4. ISSUE FOUR: A violation of 34 C.F.R. §§300.324(a)(1); (2)(i) and Kansas statutes at K.S.A. 72-3429(d) was not found as it was premature to make a finding. Corrective action is not required.
5. ISSUE FIVE: A violation of 34 C.F.R. §§300.324(a)(1); (2)(i) and Kansas statutes at K.S.A. 72-3429(d) was not found as it was premature to make a finding. Corrective action is not required.
6. ISSUE SIX: A violation of 34 C.F.R. §300.323(c)(2) and K.A.R. §91-40-16(b)(2) was not found. Corrective action is not required.
7. ISSUE SEVEN: A violation of 334 C.F.R. §300.502(b)(5), Kansas statutes at K.A.R. 91-40-12, 34 C.F.R. § 300.503(a)(1)(2) and K.S.A. 72-3432 was not found. Corrective action is not required.
8. ISSUE EIGHT: A violation of 34 C.F.R. §34 C.F.R. §§300.502(a)(b) and Kansas regulations at K.A.R. 91-40-12(b)(2)(A)(B) was not found at this point as it was premature to make a finding. 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)