

In the Matter of the Appeal of the Report
Issued in Response to a Complaint Filed
Against Unified School District No. 477
Ingalls Public Schools: 26FC477-001

DECISION OF THE APPEAL COMMITTEE

Background

This matter commenced with the filing of a complaint on 9/25/2025, by ----- on behalf of her child -- ----- . In the remainder of this decision, ----- will be referred to as "the parent," and ----- will be referred to as "the student." An investigation of the complaint was undertaken by a complaint investigator on behalf of the Special Education, and Title Services team at the Kansas State Department of Education. During the opening stage of the investigation, the investigator determined that the alleged violation occurred more than one year prior to the filing of this complaint. With that finding, in a September 27, 2025 e-mail, the investigator dismissed the complaint.

Thereafter, the parent filed an appeal of the dismissal. On September 30, 2025, Special Education and Title Services notified the parties that an appeal had been filed. Upon receipt of the appeal, an appeal committee was appointed and it reviewed the original complaint filed by the parent, the Complaint Investigator's Dismissal, and the parent's notice of appeal. The district did not send a response to the appeal. The Appeal Committee has reviewed the information provided in connection with this matter and now issues this final Appeal Decision.

Discussion of Issues on Appeal

The complaint was filed on September 25, 2025. The complaint listed three concerns:

1. The student was evaluated and found not eligible for special education on 2/17/23 and again on 12/13/2023, despite independent evaluation results to the contrary;
2. The parent submitted a written request for an evaluation on 8/26/2022 and did not receive a consent to evaluate form until 10/26/2022 and in-class observations did not begin until 2/1/2023, exceeding the legal timelines for completing an evaluation; and
3. The KSDE Special Education Services Formal Complaint Request Form deters parents from submitting special education complaints by inserting into the form this statement: "The complaint must allege a violation of special education laws and regulations that occurred not more than one year before the date the complaint is filed."

The statement referred to above (in appeal issue 3) on the state's model form for filing a special education complaint has no function other than to inform the public of the legal limitation for filing special education complaints. This one-year timeline for filing special education complaints is a requirement of law and allows no discretion for a state agency to extend it.

Kansas Administrative Regulation 91-40-51(b)(1), states:

*“The complaint **shall** allege a violation that occurred not more than one year before the date the complaint is received and shall be filed with the commissioner of education.”*

(emphasis added)

The Appeal Committee, having no discretion to extend this timeline for any reason, finds that the investigator’s conclusion is correct. The issues presented in this complaint are not subject to investigation because the alleged violations occurred more than one year prior to the filing of the complaint.

Conclusion

For the reasons stated herein, the investigator’s conclusions and dismissal of the complaint are sustained in full.

This is the final decision on this matter. There is no further appeal. This Appeal Decision is issued this 14th day of October, 2025.

Appeal Committee

Crista Grimwood Brian Dempsey Hannah Miller