

**KANSAS STATE DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND TITLE SERVICES**

**REPORT OF COMPLAINT
FILED AGAINST
UNIFIED SCHOOL DISTRICT #437
ON SEPTEMBER 11, 2025**

DATE OF REPORT: OCTOBER 14, 2025

This report is in response to a complaint filed with our office on behalf of a student, -----, by their guardian, -----. In the remainder of the report, the student will be referred to as “the Student” and the guardian as “the Complainant.”

The Complaint is against USD # 437 Auburn/Washburn Public Schools. In the remainder of the report, the “School” and the “local education agency (LEA)” shall refer to USD # 437.

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.

The Kansas State Department of Education (KSDE) allows for a 30-day timeline to investigate a child complaint. A complaint is considered to be filed on the date it is delivered to both the KSDE and the LEA. In this case, the KSDE initially received the complaint on September 11, 2025, and the 30-day timeline ended on October 11, 2025.

Allegations

The following issues will be investigated:

ISSUE ONE: Whether USD # 437, in accordance with state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), implemented the Individualized Education Program (IEP) and the behavior intervention plan (BIP) as written, specifically following the amendments made at the August 11, 2025, IEP meeting. K.A.R. 91-40-16(a)(b)(3-5), K.A.R. 91-40-19; 34 CFR § 300.323. NOTE: The Complainant verified that the allegations also pertained to the time prior to August 11, 2025.

ISSUE TWO: Whether USD # 437, in accordance with state and federal regulations implementing the IDEA, provided instruction and services to the Student according to the least restrictive environment (LRE) requirements when the Student was dismissed early for bus transport and was excluded from class due to the lack of paper-pencil coursework. K.A.R. 91-40-21, K.A.R. 91-40-1(II), K.S.A. 72-3420; 34 CFR § 300.114.

ISSUE THREE: Whether USD # 437, in accordance with state and federal regulations implementing the IDEA, provided the Complainant with a copy of the updated IEP from the August 11, 2025 meeting, and an opportunity to review the Student's educational records. K.A.R. 91-40-25(a), K.A.R. 91-40-18(d); 34 CFR § 300.501(a), 34 CFR § 300.322(f).

Investigation of Complaint

The Investigator interviewed the Complainant on October 3, 2025. The following LEA staff were interviewed on October 7, 2025: the Special Education Provider, the Instructional Manager, the Assistant Principal, the Principal, the Paraprofessional, the PBS Teacher, and Witness 1.

In completing this investigation, the Investigator reviewed documentation provided by the Complainant and the LEA. Although additional documentation was provided and reviewed, the following materials were used as the basis of the findings and conclusions of the investigation:

District Materials

1. District Response, no date
2. Notice of Meeting, 03/10/25
3. Prior Written Notice for Identification, Initial Services, Placement, Change in Services, Change of Placement, and Request for Consent (PWN), 03/10/25
4. Request for Consent for Special Education Action, 04/03/25
5. IEP Amendment Between Annual IEP Meetings, 04/24/25
6. Request for Consent for Special Education Action, 04/24/25
7. IEP, 10/24/24
8. Student Activity Report, 09/12/24-09/10/25
9. Food Service Account Statement for [the Student], 09/12/24-09/12/25
10. Student Schedule, 2024-25
11. Student Bell Schedule, no date
12. Middle School Bell Schedule, no date
13. Advanced De-Escalation Skills Slideshow, 08/05/25
14. Behavior Tracking Sheet, 09/08/25-09/12/25
15. Behavior Detail Report, 04/15/25
16. IDEA Disability Categories Slideshow, no date
17. Paraeducator Inservice Log, 05/30/25-08/05/25
18. Paraeducator Training Slideshow, no date
19. Understanding IDEA Disability Categories: Specific Diagnoses, no date
20. Paraeducator Inservice Sign-in Sheet, 08/11/25
21. Classified Professional Development Sign-in Sheet, 08/05/25
22. Classified Support Staff Sign-in, 04/02/25

23. Emails from September 12, 2024 through October 8, 2025

Complainant Materials

1. IEP, 10/24/24
2. Screenshot, outgoing calls, 08/08/25
3. Invitation: Parent Meeting For [the Student], 08/01/25
4. Emails from September 8, 2025 through October 8, 2025

Background Information

This investigation involved a ninth-grade student enrolled at a High School in USD # 437 who is creative and artistic. The Student's primary exceptionality is autism, and their secondary exceptionality is Other Health Impairment (OHI). The Student is currently receiving special education and/or related services as a child with a disability per the IDEA.

Findings of the Investigation

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

1. The Student's Middle School schedule for the 2024-25 school year described the following:
 - a. 00: Caseload; 01: Art.
 - b. 02: General Science 8; 03: Positive Behavior Support (PBS).
 - c. 04: Math 8; 05: SFA 8.
 - d. 06: American History 8; 07: English Language Arts 8.
 - e. Advisory. Noted, "Advisory period is used for independent reading, test make up, student assistance, planner checks and assemblies."
2. An IEP dated October 24, 2024, included an amendment dated April 24, 2025, and described the following:
 - a. Transition assessments were identified, and service descriptions were listed for August 11, 2025 through May 23, 2029.
 - b. The following goals were listed:
 - i. "When [the Student] is given a directive to follow by an adult or peer, [the Student] will be able to follow directions on the first request by not arguing, negotiating, or seeking an alternative response with adults or peers at 95% by the end of the IEP as measured by Anecdotal Records." [The Student] will be able to follow directions on the first request by not arguing, negotiating or seeking an alternative response with adults or peers 95% of the time."
 - ii. "When given a modified assignment or assessment, [the Student] will be able to complete the assignment or assessment on time with at least

- 80% accuracy at 90% of the time by [the] end of the IEP as measured by Anecdotal Records.”
- iii. “When feeling dysregulated, [the Student] will be able to verbalize [their] feelings and ask for a break at 50% of the time by [the] end of the IEP as measured by Anecdotal Records.”
 - iv. “When eating breakfast or lunch, practicing self-care of hygiene, [the Student] will be able to demonstrate socially appropriate eating behaviors by practicing table manners, pacing [themselves] during meals (eating slowly and steadily), using polite behaviors (e.g., saying ‘please’ and ‘thank you,’ chewing with [their] mouth closed, not talking with food in [their] mouth, wiping [their] face with a napkin), engaging in appropriate mealtime conversations, reducing the amount of food on [their] clothing and proper nose blowing at 4 out of 5 observed opportunities by the end of the IEP as measured by Anecdotal Records.”
- c. The “Parent Input” section included concerns regarding the Student’s lunch location and training for bus personnel regarding the Student’s BIP.
 - d. Considerations indicated:
 - i. The IEP team considered the Student’s strengths, the concerns of the Complainant, the results of the most recent evaluation, and the academic, developmental, and functional needs of the Student.
 - 1. The Student’s behavior hindered the learning of others and was addressed through a BIP, goals, and accommodations.
 - 2. The Student needed assistive technology and services and had a documented health condition that impacted their participation and progress in the general education curriculum and classroom setting.
 - e. A BIP and PBS document dated October 30, 2023, was included in the IEP:
 - i. The Student’s problem behaviors were described as defiance (refusing directives, arguing, and attempting to manipulate situations) and being off-task (inappropriate peer talk, working on unrelated assignments, and misusing technology during instruction).
 - ii. Behaviors occurred when given a “non-preferred” activity, which led to avoidance of the task.
 - iii. The settings and antecedents were described as the Student’s behaviors were most frequent during ELA, where their compliance with directives was lowest at 70%. They also showed slightly lower compliance in social studies and PBS (92.5% and 90%, respectively). Conversely, they exhibited high compliance (97.5%–100%) in art, science, math, an unknown course, and advisory.
 - iv. The function of the Student’s behavior was “to gain access to preferred activities and to avoid the task that is being asked of them.”

- v. The Student required instruction in replacement behaviors that addressed several lagging skills across three main categories: Attention and Working Memory, Emotion and Self-Regulation, and Cognitive and Flexibility Skills. Specifically, the Student struggled with tasks such as persisting with difficult activities, managing feelings of annoyance or disappointment, and coping with changes to routines or rules.
- vi. Proactive Strategies stated the staff should prevent the problem behavior and listed the following strategies:
 - 1. "Give [the Student] praise when [the Student] is on task and completes tasks/directives."
 - 2. "When [the Student] is beginning to demonstrate behaviors that include non-compliance with adult tasks/directives, [they] will be given up to three prompts to get back on task."
 - 3. "When [the Student] is not responding to the directives given by the adult, staff will respond by telling [the Student], 'This is a non-negotiable.'"
 - 4. "[The Student] will use self-regulation strategies to resist peer pressure / self-directed inappropriate activities, such as continuing to argue."
 - 5. "[The Student] will leave [their] classroom materials in each classroom needed for the subject and [they] will not bring any other supplies with [them]."
 - 6. "Teachers will refrain from giving [the Student] school supplies, food (unless a class party), or any other items."
 - 7. "When [the Student] needs access to technology, [they] will be monitored and [their] [one] on [one] para[professional] will keep & carry the computer until [they] need it. [They] [are] not to use technology unless it pertains directly to the classroom assigned."
 - 8. "Once [the Student] [is] on the bus [they] are not allowed to exit the bus until [they] have gotten to school or home."
 - 9. "[The Student's] behavior will be documented on a behavior tracking sheet provided by the school."
 - 10. "During the unstructured times and passing periods, teachers will be monitoring the environment and will wait until the teacher enters the room before [the Student] enters the room [sic]."
 - 11. "[The Student] will be escorted to the bus at the end of the day for [them] to get there on time."
 - 12. "When [the Student] is found stealing from the cafeteria, [the Student] will make restitution to the school for the item/s."

13. "[The Student] will check out with an adult at the end of the day to review [their] day."
 14. "[The Student] will have direct social skills instruction."
 15. "Staff will refrain from having any personal conversations or educationally relevant information with or around [the Student]."
- vii. Reactive Strategies for staff for when the Student demonstrated "resistance" to working in class included:
1. "Working or completing a task/following a directive for the first time given."
 2. "Taking a 5-minute break with a preferred list of activities, such as drawing, writing, or reading (this needs to be monitored to ensure it is school-appropriate after completion of the designated task required by the adult[])."
 3. "When refusing to work, arguing, or defying adult requests to comply with simple requests, [the Student] will be given up to three redirections."
 4. "If still exhibiting the above-mentioned behaviors, [the Student] will be sent to a 'buddy room' or 'office.'"
 5. "If [the Student] refuses to leave and/or argues with the adult a member of the mental health team or support staff will be notified to come and walk [the Student] to an alternate location."
 6. "If the behavior is considered to be a major behavior and/or a chronic behavior, [the Student] will have an Office Discipline Referral written and have a phone call home."
 7. "[The Student] will then spend time in an alternate setting for a designated time according to the behaviors exhibited."
 8. "All of this will be documented on [the Student's] tracking sheet."
- viii. Progress monitoring methods included "Daily data collection."
- ix. Staff training procedures indicated, "Include necessary staff training in the IEP. Staff should be trained with positive behavior supports and other reinforcement systems in order to implement the BIP with fidelity. [The Student's] bus staff needs to be trained in [the Student's] morning routine and when to be released from the bus. Bus staff and [one] on [one] para[professional] need to be trained on [the Student's] expectations, accommodations for [the Student][,] and provided with a copy of the BIP. [The Student's] para[professional] will help facilitate when there is a sub[stitute] in the class. Adults will be trained in trauma[-]informed responses along with [their] specific diagnosis (Attention Deficit/Hyperactivity Disorder (ADHD), Autism Spectrum Disorder (ASD), Reactive Attachment Disorder (RAD), Oppositional Defiant Disorder (ODD), Other Specified Disruptive Impulse Control and Conduct Disorder

associated with developmental disability, Generalized Anxiety Disorder (GAD)[)]. [The Complainant] needs some formal documentation that training has been completed in the event of a substitute para[professional] or teacher or any other staff who works with [the Student].”

- f. Program Modifications and Supports with a start date of October 24, 2024 (no end date noted) indicated the following:
- i. An alternative setting for all subjects when provided an assessment until the assessment was completed.
 - ii. Preferential seating for all subjects when provided a seating assignment for the length of the class.
 - iii. Allow frequent breaks for all subjects when feeling dysregulated for no more than 10 minutes.
 - iv. Frequent reminders of rules for all subjects when the Student was unable to regulate their behavior, no more than 2 times.
 - v. Allow time for the organization of materials for “Other end of the day” once or twice a week for no more than 5 minutes.
 - vi. Alert the Student to transitions for all subjects at the end of each class period for 1-2 minutes prior to transition.”
 - vii. PBS system for all subjects at the end of each class period, all day.
 - viii. When using a computer, there will be direct supervision by the Student’s one-on-one paraprofessional or the teacher for all subjects when needing to use a computer until the assignment/assessment is complete.
 - ix. Shorten assignments for all subjects when provided with an assignment or assessment until the assessment or assignment is complete.
 - x. When dysregulated, the Student will be escorted by their one-on-one paraprofessional to the PBS room for 5-10 minutes to regulate. The Student will have the option to return to class or stay in the PBS room to work on academics with their one-on-one paraprofessional support. Occurrences need to be documented in all subjects when the Student is dysregulated or staff notice the Student’s dysregulation for 5-10 minutes to regulate.
 - xi. Eating breakfast in the PBS room, “other” or before school, when the Student was eating breakfast, they would remain in the room until their one-on-one paraprofessional escorted them to their first class until the beginning of the first class.
 - xii. Eating lunch in the PBS room (wellness room / side room in the PBS room) with one-on-one paraprofessional for lunch when the Student is eating lunch until the lunch period is completed.

- xiii. One-on-one paraprofessional support to the bus to avoid wandering the halls looking to collect items/things or starting issues with peers at “other” and the bus when the Student is going to the bus until the Student has loaded the bus.
- xiv. One-on-one paraprofessional support to the nurse’s office to avoid wandering halls, collecting items, or starting issues with peers at “other” or the nurse’s office when the Student is going to the nurse’s office until the Student has taken [their] medication.
- xv. One-on-one paraprofessional support when the Student goes to the restroom. The Student will not go during passing time, but at the end of the 3rd hour, lunch, and before the Student gets on the bus to go home. The paraprofessional support will wait for the Student and then escort them back to the class at “other” or the restroom when [the Student] is going to the restroom until the Student is finished with the restroom.
- xvi. One-on-one paraprofessional support will follow the protocol of escorting the Student to the PBS room. A special education teacher will be contacted and determine if it is appropriate to call a social worker and/or the Principal in “other” and classrooms when the Student demands to see the social worker and/or the Principal after the protocol has been followed and the special education teacher determines who the Student needs to speak to.
- xvii. One-on-one paraprofessional support will help monitor the Student wearing their glasses for all subjects, all the time, not just for computer use, during the school day.
- xviii. One-on-one paraprofessional support will escort the Student from the bus to breakfast and then to the PBS room at “other” and arrival time. An adult will escort the Student from the bus to breakfast and back to the PBS room during the school day.
- xix. When the Student argues or questions an adult on a directive, the adult will respond to the Student, “This is non-negotiable” in all subjects when teachers and staff are providing items to other students during the school day.
- g. The “Transportation” section indicated special transportation was required to and from school and noted the Student’s behavior was not safe to themselves and/or others on the bus. Options included fewer people aboard the bus and preferential seating. Additionally, support for transportation personnel indicated, “[The Student’s] bus staff need to be trained in [the Student’s] morning routine and when to be released from the bus. Bus staff and [one] on [one] para[professional] need to be trained on [the Student’s] expectations, accommodations for [the Student] and provided with a copy of the BIP.”
- h. Service Chart/State Reporting:

- i. The following services were listed from October 24, 2024 through May 22, 2025 and were provided for five days per week, weekly:
 - 1. Special education direct services provided by a special education classroom teacher in the regular education classroom at the Middle School for 220 minutes per day.
 - 2. Special education direct services provided by a special education classroom teacher outside regular education classrooms, programs, and other locations, at the Middle School for 138 minutes.
 - 3. Attendant care, direct services, a non-instructional paraeducator, provided by a special education classroom teacher in a regular education classroom at the Middle School for 28 minutes.
 - 4. Attendant care, direct services, a non-instructional paraeducator, provided by a special education classroom teacher outside regular education classrooms, programs, or other locations at the Middle School for 30 minutes.
 - 5. School nurse direct services provided by a school nurse in a regular education classroom at the Middle School for eight minutes.
 - 6. Special education transportation in the extracurricular setting provided by a special education classroom teacher at the Middle School for 40 minutes.
- ii. The following service was listed from October 24, 2024 to April 24, 2025:
 - 1. Social work direct services from a school social worker outside regular education classrooms, programs, and other locations at the Middle school for 20 minutes, one day per week, every two weeks.
- iii. The following services were listed from August 11, 2025 to October 23, 2025 for five days per week, weekly:
 - 1. Special education direct services provided by a special education classroom teacher in a regular education classroom at the High School for 219 minutes.
 - 2. Special education direct services provided by a special education classroom teacher outside regular education classrooms, programs, and other locations at the High School for 144 minutes.
 - 3. Attendant care, direct services, a non-instructional paraeducator provided by the special education classroom teacher in a regular education classroom at the High School for 34 minutes.
 - 4. School nurse direct services provided by a school nurse in a regular education classroom at the High School for eight minutes.

5. Special education transportation in the extracurricular setting, provided by a special education classroom teacher outside regular education classrooms, programs, and other locations at the High School for 40 minutes.
 6. Attendant care, direct services, a non-instructional paraeducator, provided by a special education classroom teacher outside regular education classrooms, programs, and other locations at the "Middle School" [sic] for 30 minutes.
- i. The service delivery statement described the following services:
- i. "During the 8th grade, [the Student] will have the following services":
 1. "C- 220 min x 5 days a week for inclusion Science, History, SFA, Elective, and Advisory."
 2. "G- 138 minutes x 5 days a week for special education Math, Language Arts and PBS."
 3. "C- 28 minutes x 5 days a week for transition time supervision (attendant care)."
 4. "G- 30 minutes x 5 days a week for lunch (attendant care)."
 5. "C- 8 minutes x 5 days a week for school nurse services."
 6. "T- 40 minutes x 5 days a week for special education transportation."
 - ii. "When [the Student] transitions to the high school for 9th grade, [the Student] will have the following services":
 1. "C- 219 minutes x 5 days a week for inclusion History, Science, Elective, PE/Health and Advisory."
 2. "G- 144 minutes x 5 days a week for special education Math, English and PBS."
 3. "C- 34 minutes x 5 days a week for transition time supervision (attendant care)."
 4. "C- 8 minutes x 5 days a week for school nurse services."
 5. "T- 40 minutes x 5 days a week for special education transportation."
 6. "G- 30 minutes x 5 days a week for lunch attendant care."
- j. Parent rights were provided to the Complainant.
- k. An IEP Amendment Between Annual IEP Meetings document dated April 24, 2025, indicated the description of proposed IEP changes as, "Currently, [the Student] has 20 minutes of social work twice a month. [The Complainant] has requested that social work services [be] dismissed from the current IEP. Social work goals # 1 and 3 will be serviced through the Positive Behavior Interventions (PBIS) class. All other services will remain the same." The Complainant "agreed to amend this student's IEP as described above," and

did "... not wish to convene an IEP meeting" as indicated by check marks. The Complainant's consent was indicated by a digital signature on the "Educational Advocate" line.

- I. A Request for Consent for Special Education Action dated April 24, 2025 was signed by the Complainant.
3. In emails to the Complainant dated October 30, 2024, March 10, April 3, 17, 24, and 28, 2025, the Middle School Special Education Provider attached copies of various educational records.
4. On January 28, 2025, in an email to the Complainant, the Middle School Special Education Provider explained they reminded the bus driver and the para[professional] the Student "need[s] to be in the front seat and is not to receive or take anything from, or give anything to others on the bus. [The Student] is not allowed to have anything"
5. On March 3, 2025, the Middle School Special Education Provider emailed the Complainant and stated they spoke with the Middle School Social Worker, who confirmed with the Student the need to follow the escorting protocol described in their IEP.
6. On March 6, 2025, the Complainant emailed the Middle School Special Education Provider and thanked them for sending the behavior tracking data and requested social work service logs.
7. On March 7, 2025, the Middle School Social Worker emailed the Complainant with 13 dates on which the Student was provided with social work services, as requested by the Complainant.
8. A Notice of Meeting dated March 10, 2025 for a meeting scheduled on the same date, to "discuss possible changes in your child's IEP," was signed by the Complainant on April 3, 2025, consenting to waive their right to the 10-day prior written notice and indicating they planned on attending the meeting.
9. A PWN dated March 10, 2025, described a material change in services and a change in placement. Accommodations were added, goals adjusted, and changes were made to the BIP. An explanation of the proposed actions indicated, "The increase in accommodations, goals and increase in BIP is due to [the Student] needing more support in the school environments in order to be successful in school." The data used included team and guardian input and previous records.
 - a. A Request for Consent for Special Education Action dated April 3, 2025, indicated permission by the Complainant with signature and box checked, "I give consent ... for special education placement and services action(s)"
10. An April 2, 2025 Classified Support Staff Sign-in Sheet documented Witness 1's sign-in to a training entitled, "Understanding IDEA Disability Categories & Specific Diagnoses."
11. On April 3, 2025, the Middle School Special Education Provider emailed the Complainant and supplied four attachments of the Student's IEP paperwork.

12. In a Behavior Detail Report dated April 15, 2025, an unknown staff member noted, "I made sure to mention that [the Student] statement was not an appropriate comment to make." The report indicated an in-school suspension for the Student, and the resolution was, "[The Complainant] was called and made aware. Very supportive. [They] will spend the day in ISS."
13. On April 16, 2025, the Complainant emailed the Middle School Principal and requested a copy of the threat assessment completed for the Student. On April 17, 2025, the Middle School Principal responded to the Complainant and attached a threat assessment document for the Student.
14. On April 24, 2025, the Middle School Special Education Provider emailed the Complainant three attachments, all for the Student, titled "Amendment", "IEP Amend", and "IEP Amend PWN."
15. On April 28, 2025, the Middle School Special Education Provider emailed the Complainant an attachment of an updated IEP Amendment for the Student dated April 24, 2025.
16. On May 22, 2025, the Special Education Provider emailed the Student's high school course selections to the Complainant.
17. On May 26, 2025, the Middle School Special Education Provider emailed a copy of the Student's IEP Progress Report to the Complainant.
18. On August 1, 2025, the Complainant forwarded a May 23, 2025 email to the Special Education Provider and the Assistant Principal, in which they had formally requested an IEP meeting. The Complainant stated, "Just following up about this email to get the IEP meeting completed for [the Student]."
19. A Record of Paraeducator Inservice log indicated the Paraprofessional attended eight hours of "Convocation" on August 5, 2025.
20. A screenshot of outgoing calls placed by the Complainant to the Former Administrator's phone line listed two calls. According to the Complainant, "I called [the Assistant Principal] on August 8, 2025, at 11:58 AM, to reiterate that school was starting on Tuesday and that the IEP meeting needed to be held as soon as possible. Following that call, [the Assistant Principal] confirmed [they] would schedule it and sent out the Teams meeting invite later that same afternoon at 5:15 [PM]." On August 8, 2025, the Assistant Principal sent an invitation to 13 guests with the title: "Invitation: Parent Meeting For [the Student] @ Mon Aug 11, 2025 1pm - 2pm."
21. An Inservice Sign-in Sheet dated August 11, 2025, documented the attendance of the Paraprofessional at the professional development session from 7:30 a.m. to 9:00 a.m.
22. On August 12, 2025, the Complainant emailed the PBS Teacher and described that they would prefer the staff to get [the Student's] breakfast and lunch and deliver the meals to the PBS Room, "as it was suggested yesterday."
23. In an email exchange on August 12 and 29, 2025, the Complainant and the Assistant Principal discussed the consistent implementation of the Student's meal

- plan, which required meals to be brought to them in the PBS room to prevent charging items. According to the Complainant, they followed up after the Assistant Principal's initial correction failed, reporting the Student was still being taken into the lunchroom. The Assistant Principal confirmed the lapse and immediately committed to correcting the procedure by establishing a meal delivery system.
24. On August 14, 2025, the Complainant emailed the Special Education Provider and listed concerns with the Paraprofessional's failure to implement the IEP after attending a meeting with the specific intent to review the IEP and expectations. The Complainant stated, "... I scheduled that meeting to ensure the para[professional] and teachers fully understood [the Student's] IEP and to get everyone on the same page"
 25. In an email exchange on August 17 and 18, 2025, the Complainant and the PBS Teacher discussed school materials. The PBS Teacher apologized and stated, "I knew [their] Chromebook was to stay at school[,] but I must have missed the binder part. We will keep it in my class moving forward." They then confirmed with the Complainant that the Student did not have a Chromebook.
 26. On August 17, 2025, Witness 1 emailed the PBS Teacher and informed them about school materials the Student attempted to bring home, which contradicted the IEP. Witness 1 refused to take the materials home and informed the PBS Teacher that the Student's belongings would not be leaving school when they were in charge of pickup.
 27. On August 21, 2025, the PBS Teacher emailed the Complainant and indicated they were "... was not made aware that anything went home... . I hope you know I will be talking to both [the Student] and the [Paraprofessional]."
 28. In an email exchange on August 22 and 25, 2025, the Complainant expressed concerns to the Assistant Principal and Special Education Provider regarding the persistent failure of school staff, particularly the Paraprofessional, to implement the Student's IEP and BIP with fidelity. Consequently, the Complainant requested the Paraprofessional be removed from the Student's case and a new special education instructor be assigned to oversee the Student's plan due to the Student receiving "inaccurate" accommodations, like being taken to an alternative classroom for a regular quiz because it was deemed "too loud," an accommodation only permitted for state assessments.
 29. On August 25, 2025, the Assistant Principal emailed the Complainant and explained they reached out to a classroom teacher and worked on a "paper and pencil solution," and they "... have the teacher not to have [the Student] leave the classroom due to this issue [sic] ... [the Student] should stay in the classroom" when other students are using computer based tests or curriculum.
 30. In an additional August 25, 2025 email to the Complainant, the PBS Teacher described an incident with the Student coming to the PBS Room, and the PBS Teacher explained to the Student the expectations and "reiterated that there is a plan in place for a reason, and what the expectations for [the Student] are."

31. On August 28, 2025, the Assistant Principal emailed the Complainant to explain the Instructional Manager had agreed to become the Student's new case manager, and the process of updating their information in the system was underway. The Assistant Principal indicated they would not be switching the Student's paraprofessional.
32. On August 29, 2025, the Complainant and Assistant Principal exchanged emails that described the Student's participation in MAP testing and the necessary accommodations. The Assistant Principal informed the Complainant that due to the test's nature, the Student would use a computer for MAP testing only, a use permitted by the IEP with supervision, and confirmed that paper-and-pencil assignments would continue for all other classwork. The Complainant affirmed that the Student was allowed Chromebook access for state assessments, but stressed that one-on-one supervision was mandatory during this time to prevent the Student from accessing unauthorized content.
33. On September 2, 2025, the Complainant emailed the PBS Teacher, instructing them to convey a consistent message that the IEP was non-negotiable and to avoid explaining or reasoning with the Student. The PBS Teacher agreed to uphold this instruction.
34. On September 4, 2025, the PBS Teacher emailed the Complainant and stated they would send home the Student's project in a sealed envelope.
35. On September 8, 2025, the Complainant emailed the Art Teacher to express concerns about the Student's work, focusing on the implementation of their academic accommodations and the Paraprofessional's role. The Complainant stressed that a change decided at the August 11, 2025 meeting was the complete removal of Chromebook access for classwork, mandating instead that all assignments be provided in paper-and-pencil format due to the historical failure of the one-on-one supervision requirement. The Complainant asserted that despite this agreement, both the "no Chromebook use" and the paper-and-pencil requirements were not being consistently followed from the start of the school year. Furthermore, the Complainant sought clarification on whether the Paraprofessional was completing work for the Student. The Art Teacher countered by stating the Paraprofessional did not complete projects or classwork for the Student and confirmed the Student was engaged in class.
36. On September 8, 2025, the following emails were sent to the Complainant regarding the Student's IEP:
 - a. The Instructional Manager wrote, "In the IEP I received it states **Other: When using a computer there will be direct supervision by [the Student's] 1 on 1 para[professional] or the teacher.** I am new to [the Student's] case management and was not a part of any previous meeting. [The Student's] IEP is dated 10/24/2025."

- b. The Art Teacher wrote, "I went through the IEP again and it says [the Student] can use a computer with adult monitoring. Has there been an update that we are not aware of"
 - c. The Assistant Principal of Student Services wrote to describe working with the Instructional Manager to "... adjust the language of the IEP for an amendment."
37. Behavior Tracking Sheets for the Student, dated September 8-12, 2025, indicated daily tracking across class periods for the following behaviors: "Attendance, Argue, Avoid task, Profanity, Provoke," with a "Yes/No" to indicate whether the desired behavior was achieved.
38. The Bell Schedule for the 2024-25 school year indicated a "regular release" time of 2:50 p.m., an "early release" of 1:20 p.m., and a "FAST/Testing SCHEDULE" release time of 11:41 a.m. The High School Schedule for the 2025-26 school year noted release times of 3:02 p.m. on Monday, Tuesday, Thursday, and Friday, a Wednesday release time of 2:38 p.m., and an early release time of 1:32 p.m.
39. The Food Service Account Statement for the Student indicated 12 total charges placed between September 12, 2024, and September 12, 2025. Six of the 12 charges were voided, and the account maintained a balance of \$4.50.
40. Bus scan records for the 2024-25 and 2025-26 school years indicated a total of nine early bus scans for the Student before the release time(s):
- a. September 12, 2024, 2:47:36 p.m.
 - b. October 7, 2024, 2:48:50 p.m. and October 28, 2024, 2:48:35 p.m.
 - c. October 29, 2024, 2:48:32 p.m. and October 31, 2024, 2:49:10 p.m.
 - d. November 4, 2024, 2:46:03 p.m. and November 8, 2024, 2:49:36 p.m.
 - e. December 10, 2024, 2:45:18 p.m. and January 23, 2025, 2:48:45 p.m.
 - f. September 10, 2025, 2:59:44 p.m.
41. An undated staff training slide shows indicated the following trainings:
- a. Title: "Advanced De-escalation Skills."
 - b. "IDEA Disability Categories."
 - c. "Handle with Care."
 - d. "Understanding IDEA Disabilities - Specific Diagnosis."
 - i. ADHD, ASD, RAD, ODD, GAD, and Other Specified Disruptive, Impulse-Control, and Conduct Disorder were listed as specific diagnoses.

Complainant Interview

42. In an interview with the Investigator, the Complainant shared:
- a. They were the educational advocate for the Student.
 - b. They requested an IEP meeting at the end of the 2024-25 school year. A meeting was held on August 11, 2025. The Complainant believed it was a

formal IEP meeting. The Complainant indicated the meeting was virtual and requested all staff who worked with the Student be present. The Complainant recalled both the Paraprofessional and Witness 1 were in attendance, as well as the PBS Teacher, the Art Teacher, the ROTC Teacher, and the Special Education Provider. After the meeting, the Complainant "... felt like everybody was on the same page" They believed IEP amendments were made during the meeting and would be effective the next school day.

- c. They had not received copies of the IEP documents from the August 11, 2025, meeting.
 - d. According to the Complainant, on August 12, 2025, the day after the meeting, "... the Student's charging food to my account with ... [the Paraprofessional] with [them]." Additionally, the same day, "... the Student came home from school and [the Student] had all of [their] school supplies with [them] where [the Student's] IEP says [the Student's] school supplies are supposed to stay in the classroom and [the Student's] not supposed to bring them home."
43. The Complainant stated, according to the Student's IEP:
- a. The Student was not allowed access to a Chromebook because the Student "becomes unsafe and distracted ... on the computer."
 - b. The Complainant recalled, "... And then they agreed that they would do everything paper and pencil, and they didn't have any of that in place for [the Student] either, which was shocking as well because we had agreed upon that." The Complainant stated the School was not following this accommodation for any classes. The Complainant shared the Assistant Principal told them the Student was removed from a class because the accommodation could not be met.
 - c. The Student's IEP prohibited staff from giving the Student any non-educational items due to a history of stealing and hyper-focusing on gifted items.
 - d. The BIP stated the Student would be given "three choices or three times to comply. And then you are ... just supposed to say 'non-negotiable, move on'"
 - i. The Complainant believed this was not being followed because the PBS Teacher shared with the Complainant a "conversation" the PBS Teacher had with the Student during an escalation.
 - e. "And then as far as the bus staff, it also says on the IEP that staff are to refrain from having private, educational, or any type of information in front of the Student."
 - f. Staff training was listed in the Student's IEP. They believed this training was important for the staff to understand the accommodations in the IEP and, according to the Complainant, "... they're supposed to provide me copies of

training that it's happened" The Complainant indicated they requested, but had not received any training logs.

44. The Complainant stated the Paraprofessional took the Student to a separate room for a test, which was not an accommodation in the IEP. They also shared the Paraprofessional provided the Student with answers to a safety test for the art class. Additionally, the Complainant stated the Student was being released early from class in both the 2024-25 and 2025-26 school year so the Student could board their bus.
45. The Complainant shared the following regarding the 2024-25 school year:
 - a. A paraprofessional assigned to the Student at the beginning of the 2024-25 school year "was taking [the Student] into the [janitorial] closet, getting [the Student] ice. [The paraprofessional] was letting [the Student] get on [the Student's] laptop. ... was letting [the Student] listen to inappropriate music. ... go to websites and do gaming and just stuff that was non-educational."
 - b. The Complainant requested a new paraprofessional, and the Middle School Principal assigned two new paraprofessionals, including Witness 1, who was also the Student's respite provider.
 - c. The Complainant reported the new paraprofessional team followed the IEP for the rest of the 2024-25 school year.
 - i. The Complainant stated there were additional problems following the IEP in the second semester of the 2024-25 school year when a long-term substitute teacher was assigned to the Middle School PBS classroom. According to the Complainant, no grades were reported for the end of the semester, and the Student told the Complainant they were "not learning anything in class."
46. Additionally, the Complainant stated:
 - a. Daily data tracking sheets were supposed to be kept for the Student according to their IEP. They requested copies in the 2025-26 school year and believed the copies emailed to them were doctored.
 - b. The Complainant shared that data was not tracked at all at the beginning of the 2024-25 school year.
 - c. The Complainant wanted to be able to cross-reference reported behavior incidents with daily tracking data.
47. After the start of the 2025-26 school year, the Complainant requested a new special education case manager and paraprofessional. The Assistant Principal "immediately" changed the case manager. At the time of the interview, the paraprofessional had not been reassigned.
48. The Complainant expressed doubt over the efficacy of the LEA digital pass system. The Complainant was able to view data reported in the Parent Portal. They were concerned with the amount of time the Student was reported out of class, as well as the system not documenting regularly scheduled nurse visits for medication.

Witness 1 Interview

49. In an interview with the Investigator and the Director of Secondary Special Education, Witness 1 shared the following:
- a. They were a paraprofessional with the LEA who was assigned to work with the Student at the Middle School in November 2024 and also provided respite care in a private setting every other weekend for the Student. Witness 1 shared they received training regarding the Student from the Middle School Special Education Provider during the 2024-25 school year.
 - b. They were told the August 11, 2025 meeting was an IEP by the Principal. They had been asked to attend by the Complainant. Witness 1 stated they had trouble logging in to the virtual meeting and ended up calling in on speaker phone.
 - c. The special education buses frequently left the Middle School at the same time the dismissal bell rang. This made it difficult to ensure students received both instructional minutes and transportation.

Special Education Provider Interview

50. In an interview with the Investigator, the Special Education Provider recalled an August 11, 2025 meeting between the Student's high school team and the Complainant. The Special Education Provider described it as a virtual meeting, which allowed the Complainant to share information about the Student with their new team. The Special Education Provider recalled the Complainant wanted the team to be "prepped" for the Student's behaviors and needs. The Special Education Provider shared the Complainant was upset during the meeting that the Special Education Provider had not sent out the IEP to the team. They sent the IEP out to the team by email during the meeting at the Complainant's request. According to the Special Education Provider, the August 11, 2025 meeting was not an IEP meeting, and the Complainant never formally requested to review the Student's documents.

Instructional Manager Interview

51. In an interview with the Investigator and the Director of Secondary Special Education, the Instructional Manager shared the following:
- a. They were assigned to the Student on August 28, 2025 and they were not present for the August 11, 2025 meeting. At the time of the August 11, 2025 meeting, the Special Education Provider was the case manager for the Student. The Instructional Manager stated they were unaware of any amendments or updates to the Student's IEP and did not recall the Complainant formally requesting a review of records.
 - b. The PBS Teacher and the Special Education Provider had been in charge of the training for all special education staff, including bus staff. The Instructional Manager indicated they continuously checked in with the special education staff, including bus staff, to make sure training was being

followed. The Director of Secondary Special Education verified training was held for all classified staff on August 5, 2025, prior to the start of the 2025-26 school year. They described the training as “individualized” for the staff.

- c. The Instructional Manager stated they performed weekly check-ins with staff and the Complainant. Regarding daily tracking data, the Instructional Manager stated the Paraprofessional filled out a daily checklist after each class period. At the end of each school day, the Paraprofessional turned the completed checklist into the Instructional Manager. At the end of each week, the Instructional Manager faxed the sheets to the Complainant.

PBS Teacher Interview

- 52. In an interview with the Investigator and the Director of Secondary Special Education, the PBS Teacher shared the following:
 - a. The Student was in their “first hour PBS class” and ate breakfast and lunch in the PBS classroom. The PBS Teacher indicated they used the social emotional learning curriculum in the PBS classroom and that Students were allowed to use the PBS classroom as a space to calm down. According to the PBS Teacher, the Student required one-on-one support. They shared the Student struggled with transitions, large group settings, and respect for others’ personal space, and confirmed the Student did not have a Chromebook.
 - b. The purpose of the August 11, 2025 meeting was to share information about the Student, and it was not an IEP meeting because the IEP was not reviewed.
 - c. Regarding training, the PBS Teacher stated they had previously worked as a behavior technician. They believed their training as a registered behavior technician was sufficient for their position as PBS Teacher because the training focused on positive behavior reinforcement. The PBS Teacher stated the Student’s specific disabilities were covered in their behavior technician training.

Assistant Principal Interview

- 53. In an interview with the Investigator and the Director of Secondary Special Education, the Assistant Principal shared the following:
 - a. The Special Education Provider shared the “IEP at a glance” with staff before the school year began.
 - b. The Instructional Manager continuously checked in with teachers and classified staff about the Student’s IEP.
 - c. The Director of Secondary Special Education added the High School had early release every Wednesday to allow staff to communicate about student needs.

- d. The Assistant Principal was unable to recall specific training the staff received for the Student's IEP. The Director of Secondary Special Education clarified that the professional development day on August 5, 2025 was an opportunity for all staff to review each student's IEP. During that professional development day, the Special Education Provider worked with teachers and classified staff assigned to the Student. The staff reviewed the Student's IEP and BIP and received any necessary specialized training. The PBS Teacher trained the paraprofessional staff, and the Transportation Department trained the bus staff.
- e. The Director of Secondary Special Education stated both the staff and the LEA tracked the training data for classified staff to ensure fidelity. They stated the required amount of training varied depending on position, and the data was audited on an annual basis. The Director of Secondary Special Education stated they communicated with the Complainant regarding staff training in an informal manner and could provide documentation upon request.
- f. The Director of Secondary Special Education stated the bus staff had access to the Student's IEP and BIP, and the Assistant Principal stated that both a hard copy and a digital copy of the IEP and BIP were shared with staff.
- g. When asked to describe the August 11, 2025 meeting, the Assistant Principal recalled it as a "parent meeting" to allow the Complainant to share information about the Student and indicated "suggestions" were provided on how to interact with the Student. They believed the Complainant understood it was an informal meeting. According to the Assistant Principal, no amendments were made to the Student's IEP. However, a conversation about amendments began on or around September 8, 2025.
- h. The Assistant Principal did not recall the Complainant formally requesting a records review.
- i. The Director of Secondary Special Education stated that a "student activity report" was data collected by the LEA's digital pass system. The Student scanned their ID card when they got on and off the bus to log their location. The bus drivers were also able to check the Student in without the ID card.
- j. The Assistant Principal added "... it just may be a thing that the bus driver may go ahead and decide to scan"
- k. The Student had been released early a total of 29 minutes during the 2024-25 school year at the Middle School, and had not been released early from the High School.
- l. Witness 1 was permitted to pick up the Student from school. This was done on a regular schedule that was communicated to the PBS Teacher. The Director of Secondary Special Education stated Witness 1 did not pick up the Student early from school.

Principal Interview

54. In an interview with the Investigator and the Director of Secondary Special Education, the Principal stated they verbally reminded staff not to release students early twice a year, in a meeting at the beginning of each semester, and provided regular written reminders throughout the year in the weekly staff email. They were not aware of the Student being released early, and they had not received a formal records request from the Complainant.

Paraprofessional Interview

55. In an interview with the Investigator, the Paraprofessional stated they were the Student's one-on-one assistant and described the following:
- a. "I always carry a copy of [the Student's] IEP, so I have all the things that I'm supposed to implement"
 - b. Regarding the Student's accommodations, "[The Student] ... has me" Additionally, "There's a lot of accommodations. I am required to take [the Student] to the bathroom three times a day: third period, lunch, and the end of the day." "[The Student's] allowed breaks for no more than 10 minutes. Reminders of rules. [The Student] gets that from me."
 - c. The PBS Room was a location for both a class the Student attends and a space for de-escalation.
 - d. Regarding the BIP, the Paraprofessional described "keeping a vigilant eye on [the Student]."
 - e. Regarding a September 5, 2025 email from the Complainant to the PBS Teacher in which the Paraprofessional was referenced, the Paraprofessional described, "... [The Student] wasn't using the computer, I was. [The Student] was telling me what to do, but on ... behalf of the teacher, didn't have it set up yet for the paper copy [sic]. It was one of the first days of school. [The teacher] just didn't have it yet."
 - f. Regarding removing materials from the classroom, "I never ... let [the Student] take anything home. Oh, it was a piece of a necklace. ... It was a project that [the Student] made that [the Student] was trying to take home, and I didn't tell [the Student] to take it home and work on it. It was something that was already finished. And at the time, nobody had told me about the whole envelope, like putting things in the sealed envelope. And I should have known that ahead of time. I'm sorry What is right here in [the Student's] IEP that says [the Student's] not really allowed to take anything home unless it's a document that needs to be signed by [the Complainant] and that if we needed to send something home, we have to put it in an envelope and it's got to be sealed with [the Complainant's] name on it and it's got to be given directly to the bus driver."

- g. "The Student doesn't get released early from school. We leave ... the classroom five minutes before the release time to get [the Student's] bathroom break in, and that's in [the Student's] IEP, and then we go from there to the release area."
 - h. Regarding training. "So, specifically with [the Student]. The day before, I came in and did a whole day of training on just [the Student]. There was a meeting with ... [the Complainant], and I met with the principal ... [the Assistant Principal] and [the PBS Teacher]. And they all sat down and gave me how to handle certain things and what to do, and they gave me [the Student's] IEP and taught me about how to use [the Student's] IEP"
56. In the Paraprofessional's interview, the Assistant Director shared that the High School implemented a new scanning system whereby Students scan their card when they arrive, leave for a break or other reason, and when they exit. The Paraprofessional indicated the Student scanned their card "except for the five-minute [period] when [the Student] leaves the five minutes early for classes. [The Student] doesn't have to scan out because [they] won't be scanning back in. So I've worked [it] out with all the teachers."

Positions of the Parties, Applicable Regulations, and Conclusions

Issue One

Whether USD # 437, in accordance with state and federal regulations implementing the IDEA, implemented the IEP and the BIP as written, specifically following the amendments made at the August 11, 2025, IEP meeting. K.A.R. 91-40-16(a)(b)(3-5), K.A.R. 91-40-19; 34 CFR § 300.323.

According to K.A.R. 91-40-16(a)(b)(3-5), K.A.R. 91-40-19, and 34 CFR § 300.323, an IEP must be in effect for each exceptional child at the beginning of each school year. The IEP must be accessible to all staff responsible for implementation, and each staff member must be informed of their duties in relation to the IEP. Each agency, teacher, and related services provider shall provide special education and related services to an exceptional child in accordance with the child's IEP and shall make a good faith effort to assist the child to achieve the goals and objectives stated in the IEP. Any and all staff members making good-faith efforts toward their duties within the IEP shall not be held liable for lack of progress on the student's part.

The Complainant alleged the LEA failed to implement the IEP and BIP, especially following amendments made at an August 11, 2025 IEP meeting. The amendments pertained to a Chromebook ban, PBS meals delivered to the PBS room, paper-and-pencil coursework, the Student's blocked food/cafeteria account, testing accommodations, and the IEP bathroom schedule.

The LEA acknowledged that a meeting was held on August 11, 2025, at the Complainant's request to ensure everyone was "on the same page" regarding the Student, not to amend the Student's IEP. No amendment was created or documented at the August 11, 2025 meeting. However, staff understood the Complainant's strong preference for paper-pencil work and, in good faith, started that practice at the beginning of the school year. The LEA described the Student's IEP allowed for monitored computer use. On September 8, 2025, when the new High School Instructional Manager noted the difference between the paper-pencil practice and what was written in the IEP, the Assistant Principal agreed to work with the High School Instructional Manager to adjust the IEP language through an amendment.

A review of the documentation and interviews indicated the Complainant believed the LEA did not comply with the Student's IEP and BIP in the following areas:

1. **Meal Provision/Food Charges:** While the Complainant claimed the Student was repeatedly taken to the lunchroom instead of having meals delivered to the PBS room, the IEP described eating lunch in the PBS room, not the process by which the meals should be acquired or food charges. *Not substantiated.*
2. **Prohibition of Unauthorized Items and Materials:** On August 12, 2025, the Student took home a binder that should have remained in the classroom. On another occasion, the Student took home a project from art class. The IEP indicated that all school materials should remain in the classroom. *Substantiated.*
3. **Staff Training and Documentation:** The LEA provided dates, times, sign-in sheets, and slides to verify required training, and there was no indication in the evidence that the Complainant requested that documentation. *Not substantiated.*
4. **Implementation of Behavioral Strategies/Protocols:** The Complainant referenced conversations staff had with the Student that violated the IEP. No evidence of these conversations was found in the record. *Not substantiated.*
5. **Progress Monitoring/Data Tracking:** The Complainant indicated data was not tracked at the beginning of the 2024-25 school year and described that the data they received for the 2025-26 school year was "doctored." There was no evidence to suggest data was not provided or that any data was manipulated. There was evidence to indicate the Instructional Manager provided data to the Complainant. *Not substantiated.*
6. **Improper Use of Accommodations:** The Complainant indicated the Student was taken to a separate room for a quiz and the Paraprofessional provided answers to the Student on a safety test. The IEP described an "alternative setting for all subjects when provided an assessment" indicating the Student's removal was permissible. There was no evidence that the Paraprofessional provided answers to the Student. *Not substantiated.*

The central issue in this allegation hinged on whether the August 11, 2025 gathering qualified as a formal IEP meeting under the IDEA. For a meeting to meet this definition, it must adhere to IDEA's procedural safeguards, specifically requiring proper notice to the Complainant and

the attendance of necessary staff. The record lacks evidence of proper notice, an amendment, or a PWN confirming its status as an IEP meeting.

Based on the foregoing, according to IDEA and Kansas special education regulations, *it is partially substantiated* that the LEA failed to properly implement the IEP/BIP for the Student.

Additional Finding: The Complainant clearly requested an IEP meeting on both May 23, 2025, and August 1, 2025. Given that no IEP meeting was scheduled by the time the Complaint was filed on September 11, 2025, the substantial delay in convening the IEP team constituted a procedural violation under the IDEA.

Issue Two

Whether USD # 437, in accordance with state and federal regulations implementing the IDEA, provided instruction and services to the Student according to the LRE requirements when the Student was dismissed early for bus transport and was excluded from class due to the lack of paper-pencil coursework. K.A.R. 91-40-21, K.A.R. 91-40-1(II), K.S.A. 72-3420; 34 CFR § 300.114.

According to K.A.R. 91-40-21, K.A.R. 91-40-1(II), K.S.A. 72-3420, and 34 CFR § 300.114, the LEA must ensure children with disabilities are educated in the LRE to the maximum extent appropriate with children who are not disabled. A child should not be removed from education in age-appropriate, regular classrooms solely because of needed modifications in the general curriculum.

The Complainant alleged the Student was released early for bus transport while nondisabled peers remained in class. Additionally, the LEA excluded the Student from class due to the lack of paper-pencil coursework being provided per the IEP.

The LEA indicated they attempted to implement parent-requested practices, like limiting Chromebook use, even before formal IEP amendments were finalized. However, conflicting understandings between the Complainant's statements and the IEP complicated the implementation. Additionally, bus scan data showed the Student was dismissed early on several occasions, totaling 29 minutes during the 2024–25 school year, though this has occurred only once in the 2025–26 school year.

A review of the documentation and interviews indicated the Complainant asserted that at the August 11, 2025 meeting, the team agreed to remove Chromebook access and supply the Student with paper-pencil assignments. However, the August 11, 2025 meeting was not an IEP meeting, and that information was not documented in an IEP amendment. The current IEP from October 2024 (amended in April 2025) indicated the Student could use a computer with adult monitoring and was silent on the provision of paper-pencil assignments.

During the interview, the Paraprofessional explained that they and the Student left the final class five minutes early to ensure the Student received an IEP-mandated bathroom break

before going to the bus. This adherence to the IEP resulted in one early bus scan during the current 2025–26 school year complaint window. The eight occurrences during the 2024–25 school year involved early release from a non-instructional Advisory class. In all these instances, the early admittance to the bus did not constitute a material failure to implement the Student's IEP, as supported in *E.C. v. U.S.D. 365 Andover* (D. Kan. 2020), which found that temporary departures from a student's plan did not cause lasting harm or impede a student's progress.

Based on the foregoing, *it is not substantiated* that the LEA violated IDEA and Kansas special education regulations regarding the provision of paper-pencil assignments. *It is not substantiated* that the LEA failed to educate the Student in the LRE on specific dates when the Student was allowed to go to the bus before the official dismissal time.

Issue Three

Whether USD # 437, in accordance with state and federal regulations implementing the IDEA, provided the Complainant with a copy of the updated IEP from the August 11, 2025 meeting, and an opportunity to review the Student's educational records. K.A.R. 91-40-25(a), K.A.R. 91-40-18(d); 34 CFR § 300.501(a), 34 CFR § 300.322(f).

According to K.A.R. 91-40-25(a), K.A.R. 91-40-18(d), and 34 CFR § 300.501(a), 34 CFR § 300.322(f), the LEA must allow a parent or guardian to review any and all educational records for their student, and a copy of a child's IEP shall be given to the parent or guardian at no cost.

The Complainant alleged they requested, but did not receive, an updated copy of the IEP from the August 11, 2025 amendment meeting. Additionally, the Complainant requested, but did not receive, documentation of staff training on the Student's IEP and their mental health diagnoses.

The LEA asserted they consistently provided the Complainant with copies of the Student's IEP and amendments when they were created (October 2024, March–April 2025). The August 11, 2025 meeting did not generate an updated IEP, and the Complainant was later informed the IEP remained unchanged. According to the LEA, between September 12, 2024 and September 11, 2025, Complainant did not request educational records for the Student.

The August 11, 2025 meeting was not an IEP meeting and did not result in the creation of amendments. The LEA routinely provided records to the Complainant from October 2024 to May 2025, including IEP documents, amendments, progress reports, and a threat assessment. There was no evidence to indicate the Complainant made any formal request for a records review.

Based on the foregoing, according to IDEA and Kansas special education regulations *it is not substantiated* that the LEA failed to provide an opportunity for the Complainant to review the Student's records.

Corrective Action

Information gathered in the course of this investigation has substantiated noncompliance with special education statutes and regulations. A violation occurred in the following area:

- A. Federal regulations at 34 CFR § 300.323, and Kansas regulations K.A.R. 91-40-16(a)(b)(3-5) and K.A.R. 91-40-19 specify that an IEP must be in effect at the beginning of the school year and that staff must make an effort to assist the child in meeting their IEP goals.

In this case, the evidence supports the finding that USD # 437 did not adhere to the IEP/BIP regarding school materials. Documentation and interviews document this.

- B. Federal regulations at 34 CFR §§ 300.321, 300.322, and Kansas regulations at K.A.R. 91-40-17 specify IEP meetings shall be properly noticed and attended by required participants.

In this case, the evidence supports the finding that USD # 437 did not schedule an IEP meeting in a timely fashion after the Complainant requested one on multiple occasions.

Based on the foregoing, USD # 437 is directed to take the following actions:

1. Within 15 calendar days of the date of this report, USD # 437 shall submit a written statement of assurance to Special Education and Title Services (SETS) stating that it will comply with state and federal regulations implementing the IDEA at 34 CFR § 300.323, and Kansas regulations K.A.R. 91-40-16(a)(b)(3-5) and K.A.R. 91-40-19) by reviewing the IEP and BIP with all relevant parties.
2. Within in 15 calendar days of the date of this report, USD # 437 shall submit a written statement of assurance to SETS stating that it will comply with state and federal regulations implementing the IDEA at 34 CFR §§ 300.321 300.322, and Kansas regulations K.A.R. 91-40-17 that the LEA's practices and procedures for parent-requested IEP meetings have been reviewed and revised as appropriate to be responsive and compliant the IDEA and the Kansas Special Education for Exceptional Children Act.
 - a. Additionally, if an IEP meeting was not scheduled after the filing of this Complaint on September 11, 2025, then one is scheduled within 15 calendar days of receiving this report, and notification of the completion of the IEP meeting is provided to SETS by November 15, 2025.

Tania Tong, Licensed Complaint Investigator

Right to Appeal

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

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

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

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

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

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

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