

KANSAS STATE DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND TITLE SERVICES
REPORT OF COMPLAINT
FILED AGAINST
UNIFIED SCHOOL DISTRICT #512, SHAWNEE MISSION PUBLIC SCHOOLS
ON SEPTEMBER 22, 2025
DATE OF REPORT: OCTOBER 22, 2025

This report is in response to a complaint filed with the Kansas State Department of Education against USD #512 (Shawnee Mission 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”.

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 complaint is against USD #512 Shawnee Mission Public Schools. In the remainder of the report, USD #512 will be referred to as “the LEA”. During the 2025-2026 school year the student is attending 9th grade at Shawnee Mission North High School which will be referred to as “the high school” in the remainder of the report. School and LEA staff will be referred to In the remainder of this report as follows:

- Sherry Dumolien, associate superintendent
- Holly Crumpton, school psychologist
- Carolann White, case manager
- Jennifer Dancer, assistant director of special education
- Jon Durham, assistant principal
- Jennifer Fontaine, counselor
- Emily Dorothy, social worker
- Abby Knipp, school psychologist conducting the Independent Education Evaluation (IEE)

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 22, 2025.

Evidence Reviewed

USD #512 made the following staff available for interviews on October 10, 2025 as part of this investigation.

- associate superintendent
- **case manager**

During the investigation, the Complaint Investigator, Nikki Crawford, reviewed all evidence and documentation provided by the LEA and the parent. Additionally, the complaint investigator contacted the parent and associate superintendent, on September 22, 23, 24, 25, 29, 30, October 2, 3, 4, 8, 10, 11, 13, 14, 15 and 17, 2025 by phone and email to clarify evidence and documentation.

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

Documents:

1. LEA's school calendar
2. Student's class schedule, no date
3. The student's most recent evaluation completed January 18, 2024
4. Student's current IEP dated January 15, 2025
5. Parent email to the LEA requesting a gifted evaluation and noting areas they felt the student demonstrated giftedness sent August 4, 2025
6. Student Attendance dated August 12, 2025 to October 2, 2025
7. LEA video sharing the role of general educators in the IEP process and the use of accommodations and modifications shared with school staff on August 14, 2025
8. Email from parent to case manager, assistant principal, counselor and social worker, second request for gifted evaluation, "These behaviors suggest a need for evaluation beyond math and English coursework. I am formally requesting that the school proceed with a gifted evaluation under the protections afforded through his current IEP." August 15, 2025 at 9:18 AM
9. Email from the school psychologist to the parent, "At this time, we will not be moving forward with an evaluation to consider eligibility as a student who is twice exceptional due to giftedness. I have attached a Prior Written Notice." sent August 15, 2025 at 11:06 AM
10. PWN refusing gifted evaluation dated August 15, 2025
11. Email from parent to school psychologist, case manager, social worker and assistant principal, "I am writing to formally express our disagreement with the LEA's decision and

to request an Independent Educational Evaluation (IEE) at public expense", sent August 15, 2025, 11:48 AM

12. Email from assistant director of special education to parents including a response letter approving the parent's request for an IEE, and a list of IEE providers sent August 28, 2025
13. PWN consenting to an IEE for "areas of academic performance and general intelligence" dated August 29, 2025
14. Email from the algebra teacher to the parent on September 16, 2025
15. Email from parent to the investigator offering additional information related to the denial of the evaluation for giftedness sent September 22, 2025
16. Email from the health teacher to the parent on September 23, 2025
17. LEA response to the complaint allegations dated October 3, 2025
18. LEA email confirming that there was at least one teacher who observed the student prior to the August 15, 2025 meeting, sent October 13, 2025
19. Email from the parent sharing examples of accommodations the student reports as not being implemented dated October 14, 2025
20. Emails from the associate director October 15 and 17, 2025 sharing evidence of accommodations offered in response to the parent's October 14, 2025 email
21. Email from the associate director clarifying why the school-wide motivation systems was removed from the student's IEP at the October 10, 2025 IEP amendment meeting dated October 17, 2025

Background Information

The subject of this complaint is a 9th-grade student during the 2024-2025 school year who lives at home with both parents as an only child. The student initially qualified for special education support for Speech/Language services in 2016 and later in 2020 was identified as having Autism. The parent reports that the student attended Head Start and was first evaluated in 3rd grade on the school's recommendation. The student has attended school in this LEA since kindergarten.

At the time of the complaint the student's current IEP is dated January 15, 2025 and includes the following goals and accommodations/modifications along with the anticipated frequency:

Goals -

1. Math goal to solve a one-step equation
2. Reading comprehension goal
3. Writing response goal
4. Executive functioning goal focused on reducing number of missing assignments

Accommodations/Modifications/Supplementary Aids and Services-

1. Preferential seating, near the source of instruction- daily
2. Frequent checks for understanding- daily
3. Modification of tasks to show mastery of priority standards- as determined by the task
4. Alternate setting and read-aloud accommodation for classroom LEA and state assessments- as determined by the assessment
5. Access to a scribe or speech to text for written assignments- as determined by writing task
6. Modification of length and format of classroom test and quizzes- as determined by assessment
7. Access to a copy of the teacher's notes- daily
8. Access to building-wide reinforcements for completing a required task or activity- daily
9. Verbal signal or warning to give the student notice that they may be called on to answer a question or share information- daily

The student has paraprofessional and/or certified special educator support available during all of the core classes which the student attends in the general education setting. The student receives 50 minutes 1x per week and 95 minutes 2x per week of instruction and support for executive functioning as well as 15 minutes of transition services, once a semester, in the special education setting.

Issues Investigated

Based on the written complaint and an interview with the complainant, three concerns which fall under IDEA or Kansas regulations were identified and investigated.

Issue One

Did USD #512 fail to provide a complete Prior Written Notice as required by 34 CFR §300.503(b) during the 2025-2026 school year?

Applicable Law

Federal regulations at 34 CFR §300.503(b) require that PWNs included the following: (1) A description of the action proposed or refused by the agency; (2) An explanation of why the agency proposes or refuses to take the action; (3) A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action; (4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; (5) Sources for parents to contact to obtain assistance in understanding the provisions of this part; (6) A description of other options that the IEP Team considered and the reasons why

those options were rejected; and (7) A description of other factors that are relevant to the agency's proposal or refusal.

Parent Position

The child complaint stated that, "The district continues to issue PWNs that lack the content required under 34 CFR 300.503, including data relied upon, options considered, and the reasons for rejecting alternatives".

LEA Position

The LEA response states, "The District maintains that it has complied fully with the requirements of IDEA and has not violated 34 C.F.R. § 300.503(b)". The LEA response also adds, "Both notices contained the elements required under federal law...".

Analysis: Findings of Fact

The following finding of facts is based upon a review of the documentation and interviews with all parties.

1. The LEA had issued two PWNs at the time the complaint for the 2025-2026 school year. The first was on August 15, 2025 which was a denial of the parent's request for a gifted evaluation and the second on August 29, 2025 which was an approval of parent request for an IEE.
2. The following is a comparison of what IDEA requires in a PWN and the content of the August 15, 2025 PWN.
 - a. A description of the action proposed or refused by the agency.
 - i. "[The LEA] refuses to conduct a evaluation."
 - b. An explanation of why the agency proposes or refuses to take the action.
 - i. "...there is not reason to suspect secondary exceptionality at this time."
 - ii. "...data is suggesting that extension of academic materials and enrichment opportunities to adequately support [the student's] needs are within the scope of general education resources."
 - c. A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action.
 - i. "Previous comprehensive educational evaluations completed by [the LEA] in January 2021 and January 2024; data reported in the 2021 re-evaluation included cognitive assessment scores that are not significantly above average."
 - ii. "Academic history does not indicate enrollment in advanced level courses in middle school. Nationally-normed standardized assessment data in reading and math indicate skills are not significantly above average in either subject."

- iii. "The most recent annual IEP, written January 15, 2025, states in its present levels of academic and functional performance that [the student's] abilities in math problem solving are significantly discrepant from peers, warranting placement in the special education setting to deliver direct, targeted instruction that would allow [the student] to access the general education curriculum in [their] on-level math course."
- iv. "The current IEP includes accommodations that modify tasks to show mastery of priority standards and modified length and format of tests/quizzes."
- v. "Eligibility Indicators for the state of Kansas define Giftedness as, 'performing or demonstrating the potential for performing at significantly higher levels of accomplishment in one or more academic fields due to intellectual ability, when compared to others of similar age, experience, and environment'. This includes, but is not limited to: progress monitoring that shows skills in one or more academic areas are much above that of peers, GPA, classroom assessments, etc., indicate significant excellence in academics, percentile rank not below the 95th percentile on nationally normed achievement tests, ease of task completion, rate of acquisition and retention indicate significantly high level of intellectual ability, and composite rank not below the 97th percentile rank on an individually administered, standardized, norm-referenced test of intellectual ability".
- vi. "Parent input via email on 8/7/2025, and during a team meeting with [the school] staff on 8/15/2025. Staff input given during the meeting on 8/15/2025; meeting was attended by [the student's parents], special education case manager, school psychologist, academic counselor, biology teacher, social worker, and associate principal. Additional staff input was given to the school psychologist in a phone conversation with [the student's] 8th grade special education case manager on 8/7/25."
- d. A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained.
 - i. A complete procedural safeguard statement is included in the PWN.
- e. Sources for parents to contact to obtain assistance in understanding the provisions of this part.
 - i. These resources are listed under the Additional Information header.
- f. A description of other options that the IEP Team considered and the reasons why those options were rejected.
 - i. "[The student] is a student accessing special education services due to exceptionality of Autism, which, Kansas eligibility indicators state is a

‘developmental disability significantly affecting verbal and nonverbal communication and social interaction’. [The student] has an interest in computers and technology, parents reported [the student] exhibits signs of giftedness via tactile activities related to [the student’s] interests. If enrichment required for [them] to access the curriculum is beyond those accessible through general education resources, the need for evaluation will be revisited. If it is suspected that [the student] possesses significantly higher skills and abilities upon transition to the high school, the team will reconvene to consider if there is reason to suspect potential for giftedness at that time.”

3. The following is a comparison of what IDEA requires in a PWN and the content of the August 29, 2025 PWN.
 - a. A description of the action proposed or refused by the agency.
 - i. “[The LEA] proposes to conduct an initial evaluation.”
 - b. An explanation of why the agency proposes or refuses to take the action.
 - i. “On August 15, 2025, [the student’s] IEP team received an email from the student’s parents requesting an Independent Educational Evaluation (IEE). The request followed the team’s decision not to evaluate [the student] for eligibility as a twice-exceptional student due to giftedness. Based on the information provided, the district agrees to provide an IEE at public expense in the areas of academic performance and general intelligence. A list of approved IEE locations is included with this Notice for your consideration.”
 - c. A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action.
 - i. “The proposed IEE request is a unilateral request of the educational decision makers.”
 - d. A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained.
 - i. A complete procedural safeguard statement is included in the PWN.
 - e. Sources for parents to contact to obtain assistance in understanding the provisions of this part.
 - i. These resources are listed under the Additional Information header.
 - f. A description of other options that the IEP Team considered and the reasons why those options were rejected.
 - i. “The team considered denying the request [and to] file for due process; however, in a good faith effort to resolve the matter, that option was rejected.”

Conclusion

Federal regulations at 34 CFR §300.503(b) require that PWNs include specific information as noted above.

In this case, a review of both PWNs for the 2025-2025 school year at the time of the complaint found the LEA issued complete PWNs.

Based on the foregoing, it is found that the PWNs did include the required information. The *LEA is IN compliance* and no corrective actions are required.

Issue Two

Did USD #512 fail to appropriately consider a parent reevaluation request for giftedness as required by K.S.A. 72-3428(i)(1) during the 2025-2026 school year?

Applicable Law

K.S.A. 72-3428(i)(1) "As part of an initial evaluation, if appropriate, and as part of any reevaluation under this section, the IEP team and other qualified professionals, as appropriate, shall: (1) Review existing evaluation data on the child, including evaluations and information provided by the parents of the child, current classroom-based assessments and observations, and teacher and related services providers' observations;"

Parent Position

The parent complaint stated that there was a "Failure to act on parental reevaluation request."

LEA Position

The LEA response states, "The District maintains that it appropriately considered and responded to the parent's request in compliance with IDEA and Kansas statute".

Analysis: Findings of Fact

The following finding of facts is based upon a review of the documentation noted previously and interviews with all parties. The findings of Issue One are incorporated herein by reference.

1. The parents sent an email to the school requesting a gifted evaluation on August 4, 2025.
2. The first day of school was August 12, 2025
3. The IEP team, including the parents, met to discuss the parent's request for a giftedness evaluation on August 15, 2025.
4. The LEA issued a PWN denying the request on that same day.
5. The refusal PWN dated August 15, 2025 included all of the required information of K.S.A. 72-3428(i)(1). Please see Issue One, ANALYSIS FINDING OF FACT, 2, c.
6. The PWN notes input from the parents, case manager, school psychologist, academic counselor, biology teacher, social worker and associate principal. Additional input from

the previous school year's special education case manager was gathered prior to the meeting on August 15, 2025.

7. In response to the LEA's denial of the gifted evaluation, the parent sent an email request for an IEE to the LEA on August 15, 2025.
8. The LEA responded with a PWN approving the IEE for general intelligence and academic performance on August 29, 2025.
9. In an email from the parent to the investigator on September 22, 2025 the parent shared, "I want to add that the school physically didn't even spend much time with [the student] before they refused [the gifted evaluation]. [The student] was at the school - maybe a week - before the refusal [to test for giftedness]. When we attended the [IEP] meeting - the school refused our requests - immediately - even in the actual meeting - and sent the PWN literally the same day. No evidence, no nothing".
10. In the LEA interview on October 10, 2025 the associate superintendent confirmed that the IEE will evaluate for giftedness.
11. In the LEA interview on October 10, 2025 the case manager confirmed that special education staff had observed the student in their general education classes prior to the August 15, 2025 IEP meeting.
12. In an October 13, 2025 email, the LEA confirmed that the biology teacher, having had the student in class, was able to share observational information as required by K.S.A. 72-3428(i)(1), in the August 15, 2025 meeting.

Conclusion

K.S.A. 72-3428(i)(1) As part of an initial evaluation, if appropriate, and as part of any reevaluation under this section, the IEP team and other qualified professionals, as appropriate, shall: (1) Review existing evaluation data on the child, including evaluations and information provided by the parents of the child, current classroom-based assessments and observations, and teacher and related services providers' observations;"

A review of the information included in the refusal PWN dated August 15, 2025 for the gifted evaluation finds that the LEA appropriately considered existing evaluation data which included LEA assessments in January 2021 and January 2024, parental input, classroom performance, and observations by the biology teacher and special education staff. Input from the student's 8th grade special education case manager was also noted in the PWN.

The parent understandably expressed concern that the student had only been at the high school for a few days prior to the LEA's refusal of a gifted evaluation. The LEA addressed this short time period in the August 15, 2025 PWN, "If enrichment required for [the student] to access the curriculum is beyond those accessible through general education resources, the need for evaluation will be revisited. If it is suspected that [the student] possesses significantly higher skills and abilities upon transition to [the high school], the team will reconvene to consider if there is reason to suspect potential for giftedness at that time".

It is noted that although the LEA denied an evaluation for giftedness on August 15, 2025, later upon the parent's request approved an IEE on August 29, 2025 which includes giftedness.

The initial refusal of the gifted evaluation included all of the information required by K.S.A. 72-3428(i)(1) and was within a reasonable timeframe with the first request being made by the parents in an email August 4, 2025 and the refusal PWN issued after the IEP meeting on August 15, 2025.

Based on the foregoing, it is found that the LEA appropriately considered the parent's evaluation request for giftedness. The *LEA is IN compliance* and corrective actions are not required.

Issue Three

Did USD #512 implement the student's IEP specifically related to accommodations as required by 34 CFR §300.323(c)(2) during the 2025-2026 school year?

Applicable Law

Federal regulations at IDEA 34 C.F.R. §300.323(c)(2) requires LEAs 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.

Parent Position

The parent stated in the September 22, 2025 interview, "... [the student] is getting tardies counted, but it is in the IEP. They are not following accommodations in the IEP".

LEA Position

The LEA response states, "The District denies this allegation and affirms that it has fully complied with federal and state requirements regarding IEP implementation. Pursuant to K.A.R. 91-40-16(b)(3), school districts must ensure that an IEP is in effect for each eligible child at the start of each school year".

Analysis: Findings of Fact

The following finding of facts is based upon a review of the documentation noted previously and interviews with all parties. The findings of previous issues are incorporated herein by reference.

1. In the September 22, 2025 interview, the parent cited evidence of what they felt demonstrated lack of accommodation use:
 - a. The student was being counted as tardy even though the parent felt this was addressed in the IEP.
 - b. An email from the algebra teacher on September 16, 2025 noted missing assignments due to missed classes along with an offer to help the student catch-up, but no mention of accommodation use.

- c. An email from the health teacher on September 23, 2025 due to missing assignments and offer to help, but no mention of accommodations.
2. The student's accommodations (listed on page 4 of this report) do not address tardies or offer staff guidance on how to support the student to get to class on time.
3. Missing assignments are not specifically addressed in the IEP's accommodations although there are several strategies noted that may help the student complete work such as seating near the source of instruction, modification of tasks, access to a scribe or speech to text, and a copy of the teacher's notes.
4. A review of training records confirmed that all of the student's teachers received training on the use of accommodations and received the student's IEP Snapshot, which includes the student's IEP goals and accommodations.
5. In the October 10, 2025, interview, the associate superintendent stated that the LEA has no formal record-keeping for teachers to track when accommodations were utilized, but staff are told that they may be asked to summarize a student's IEP, including accommodations, at any time and need to be ready to do so.
6. In that same interview the case manager shared that she had frequently checked in with the student's teachers in-person and via email to ensure they understood the student's IEP. Additionally the case manager shared that the special education staff had observed use of accommodations utilized in the general education classes.
7. Examples of accommodations being implemented shared by the LEA:
 - a. Biology- Teacher's documented use of an alternative location and read aloud for quizzes and a test on August 28, September 16 and 29, 2025. Teacher's notes including checks for understanding, and a staff working with the student in an alternative setting. The teacher also shared examples of class assignments and corresponding modified assignments for the student.
 - b. Algebra- An example of a class assignment along with a sheet specifying modified steps to solve the equations which were shared with the student.
 - c. English Language Arts- "[The student] was provided a scribe and completed the task in a small group setting outside of the classroom. This assignment was shortened to a 3-5 sentence paragraph from the original assignment which was to write 3 paragraphs. This was reduced to the priority standard of identifying a theme from identifying the theme and citing evidence to support your claim." And also, "...when completing the AF vocab quiz, [the student] completed the task in a small group setting outside of the classroom; [they were] tasked with completing 2 of the 3 sections originally assigned. [The student] answered verbally and the special education teacher in the class scribed for the student]. The number of questions asked of [the student] in sections 1 and 2 that were completed were reduced by 20% from the original task".
8. In an email on October 14, 2025 from the parent they reported that the student shared several accommodations that were not being offered including:

- a. Frequent Checks for Understanding- “[The student] reports that staff are not using the agreed-upon scripted language (e.g., “What are you stuck on?”) or check in with [the student] when [they are] not making progress on a task”.
 - b. Modified Tasks to Demonstrate Mastery of Priority Standards- “This accommodation has not been implemented in most of [the student’s] classes”.
 - c. Access to a Scribe or Speech-to-Text Tools for Written Assignments- “[The student has not been instructed in how to use these tools and has not had the opportunity to utilize this support”.
 - d. Modified Tests and Quizzes (Length and Format)- “Again, most of [the student’s] classes are not making these modifications”.
 - e. Access to Building-Wide Reinforcements for Completing Tasks- “This accommodation has never been offered or utilized”.
 - f. Verbal Signal or Advance Warning Before Being Asked to Share or Respond- “[The student] reports that this support is not being used at all”.
9. The LEA previously shared evidence of the above accommodations:
- a. Frequent checks for understanding reported by the Biology teacher.
 - b. Modified tasks reported by Biology, Algebra and English teachers.
 - c. Access to a scribe for written assignments reported by the English Language Arts teacher.
 - d. Modified tests and quizzes reported by the English Language Arts teacher.
10. Emails from the associate director on October 15 and 17, 2025 shared evidence of accommodations offered in response to the parent’s October 14, 2025 email.
- a. Verbal signal or advance warning prior to being asked to share or called on has been addressed by the teachers in the following manner:
 - i. Math and Social Studies teachers report that they have not called on [the student].
 - ii. The Computer Programming teacher reported significant improvement in engagement and performance. He reported working 1:1 or 1:2 with [the student] during class and only asking [the student’s] his opinion on something after having done that.
 - iii. ELA has not called on [the student] but reported [that they have] participated more often when in small groups with the SPED teacher.
 - iv. Health reported having called on [the student] once, but it was not a curricular question — he asked, “if you had \$5 million what would you do with it?” And [the student] answered.
11. An email from the associate director on October 17, 2025 clarified that use of the building-wide motivation system is not tracked for each student, however it was removed from the student’s IEPs list of accommodations at the October 10, 2025 IEP amendment meeting. The associate director wrote, “The team determined that [the motivation system] wasn’t motivating for the student. As part of the FBA they were going to also include motivation inventories. The amendment I provided you previously (from the meeting on 10/3) has received consent and is implemented.”

Conclusion

IDEA 34 C.F.R. §300.323(c)(2) requires LEAs 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.

In this case, the LEA confirms that the student's IEP was implemented at the beginning of the 2025–2026 school year. The LEA shared documentation that all of the student's general education teachers received training on the importance and use of accommodations and received the student's IEP Snapshot, including accommodations.

In the September 22, 2025 parent interview they noted two accommodation concerns; the lack of specific mention in staff emails of the use of accommodations and the student's tardies. The lack of specific mention in staff emails of the use of accommodations to support the student to complete assignments may be troubling for the parents but is not compelling evidence that accommodations were not utilized. Additionally, the student's tardies are understandably concerning for the parents, however the IEP accommodations do not mention strategies to address the student's tardies.

In a follow-up email on October 14, 2025 the parent included several other examples of accommodations the student reported as not being offered. It is noted that this student's opinions on whether the accommodations were being offered are important. Particularly as a student transitions into high school it becomes more important that they understand their own accommodations and are able to self-advocate. It is also noted that some of the current accommodations may not be obvious to the student who may not realize that an assignment or test has been modified or that not being asked a question in class is a function of an accommodation being offered.

The LEA provided specific examples and evidence of accommodation being followed except the building-wide motivation system. The associate director shared that the implementation of that system is not tracked by the school and that it had been removed by the IEP from the student's listed accommodations at the October 10, 2025 IEP amendment meeting.

Based on the foregoing, it is found that the LEA was able to provide examples and evidence of accommodation use and *is IN compliance*. No corrective actions are required.

Summary of Conclusions/Corrective Action

1. **Issue One:** A violation of 34 CFR §300.503(b) was not found based on the complete and accurate information contained in the reviewed 2025-2026 PWNs. Corrective action is not required.
2. **Issue Two:** A violation of K.S.A. 72-3428(i)(1) was not found based on the LEAs appropriate response to the parent's request for a gifted evaluation. Corrective action is not required.
3. **Issue Three:** A violation of 34 C.F.R. §300.323(c)(2) was not found based on the LEA's actions to promote implementation of the student's IEP accommodations and examples of accommodation use consistent with the IEP. 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)