

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

**REPORT OF COMPLAINT
FILED AGAINST
UNIFIED SCHOOL DISTRICT #378
ON AUGUST 28, 2025**

DATE OF REPORT: OCTOBER 7, 2025

This report is in response to a complaint filed with the Kansas State Department of Education against USD #378 (Riley County Public Schools) on behalf of ----- by his father, ----- . In the remainder of the report, ----- will be referred to as “the student” and ----- as “the father” or “the complainant”. Also note that other family members including ----- will be referred to as “the stepmother” and ----- will be referred to as “the mother” in the report.

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

In this case, the complaint is against USD #378 (Riley County Public Schools) which contracts with the Twin Lakes Educational Cooperative (TLEC) to meet the requirements of the IDEA. In the remainder of the report, both of these responsible public agencies will be referred to as “the local education agency (LEA)”.

In the remainder of the report, the LEA staff will be referred to as follows:

- Anita Breen, “TLEC Director of Special Education”
- Erin Flair, “USD #378 Superintendent”
- Charles Kipp, “Riley County High School Principal”
- Doug Thompson, “9th grade Special Education Teacher”
- Stephanie Lovett Bowman, “LEA attorney”
- Weston Steiner, “10th grade Special Education Teacher”
- Erika Willman, “TLEC School Psychologist”
- Amanda Cyrie, “ESY Teacher”

The Kansas State Department of Education (KSDE) allows for a 60-day timeline to investigate a complaint from the date on which it was filed. A complaint is considered filed on the date on which it was received by KSDE. In this case, the KSDE initially received the complaint on August 28, 2025. Because of the number of allegations and the scope of the investigation, the timeline to investigate this complaint was extended by 14 days.

Evidence Reviewed

Both parties were contacted via telephone during the investigation to gather and clarify information. The father was interviewed by telephone on September 24, 2025 and the stepmother was interviewed by telephone on September 23, 2025.

Also on September 23, 2025, the LEA made the following school staff available for an interview via Zoom:

- TLEC Director of Special Education
- USD #378 Superintendent
- Riley County High School Principal
- 9th grade Special Education Teacher
- Stephanie Lovett Bowman, LEA attorney

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

1. Individualized Education Plan (IEP) dated February 8, 2023
2. IEP dated February 5, 2024
3. Behavior Intervention Plan (BIP) signed by the father and the mother on February 5, 2025
4. IEP Amendment form for changes not requiring a full IEP team meeting dated April 8, 2024
5. Prior Written Notice (PWN) for Identification, Special Education and Related Services, Educational Placement, Change in Services, Change in Placement, and/or Request for Consent dated April 29, 2024 and signed by parent on May 6, 2024
6. Email from 9th grade Special Education Teacher to the father dated August 12, 2024 at 4:24 p.m.
7. IEP Amendment dated August 14, 2024
8. ABC Charts dated between August 15 and December 11, 2024
9. Excel spreadsheet detailing communication exchange about 2024 IEP meeting dated between August 16, 2024 and September 27, 2024
10. Audio and Transcription of audio recorded IEP meeting dated September 18, 2024 time of 1 hour, 51 minutes and 40 seconds
11. IEP Meeting Proposal prepared by parents dated September 18, 2024, updated September 23, 2024 (49 pages)
12. Email from parents to 9th grade Special Education Teacher, Riley County High School Principal, student's mother, and USD #378 Superintendent dated September 19, 2024, at 6:40 a.m.
13. IEP Amendment dated September 27, 2024

14. Email from parent to 9th grade Special Education Teacher and TLEC Director of Special Education dated September 27, 2024 regarding inaccuracies
15. Email exchange between father and TLEC Director of Special Education dated between October 24, 2024 at 12:01 p.m. and November 5, 2024 at 9:27 a.m.
16. PWN dated November 1, 2024 and signed by parent on November 5, 2024
17. IEP Meeting Proposal prepared by parents dated January 22, 2025 (36 pages)
18. Audio and Transcription of audio recorded IEP meeting , titled 2025 IEP.m4a 67 pages, time of recording 2 hours, 29 minutes and 50 seconds
19. Progress Monitoring sheets for the student dated between October 21, 2024 and February 10, 2025
20. IEP dated January 22, 2025
21. PWN dated January 22, 2025 and signed by the parent on that same day
22. Transition Surveys completed by parents (undated)
23. Comprehensive Psychological Evaluation Report completed by the Jordan Psychological Assessment Center on May 7, 2025
24. IEP Amendment form for changes not requiring a full IEP team meeting dated May 8, 2025
25. Email from 9th grade Special Education Teacher to the father and mother dated May 15, 2025 at 11:44 a.m.
26. PWN dated May 20, 2025 and signed by the father on May 27, 2025
27. IEP Goal Progress Reports for the 2024-25 school year
28. Transportation Notes (undated)
29. Transportation Logs for 2024-25 school year
30. Student Schedule for the 2024-25 school year
31. Email from parent to TLEC Special Education Director and Riley County High School Principal on June 6, 2025
32. Excel spreadsheet detailing communication exchange about June 18, 2025 IEP meeting
33. Email exchange between father, 10th grade Special Education Teacher, TLEC Director of Special Education, and Riley County High School Principal dated June 18, 2025 between 8:02 a.m. and 9:34 a.m.
34. Email from the 10th grade Special Education Teacher to the father dated June 26, 2025 at 8:55 a.m.
35. Email from the father to the 10th grade Special Education Teacher dated July 7, 2025 at 10:36 a.m.
36. Email from parents to 10th grade Special Education Teacher, Riley County High School Principal and Director of Special Education dated July 29, 2025 at 11:48 a.m.
37. Email exchange between parents, 10th grade Special Education Teacher, Riley County High School Principal and Director of Special Education dated August 7, 2025

38. Email from TLEC School Psychologist to parents dated August 18, 2025 at 1:20 p.m.
39. PWN for Evaluation or Reevaluation and Request for Consent dated August 18, 2025
40. Email from father to TLEC School Psychologist dated August 18, 2025 at 4:33 p.m.
41. Email from TLEC School Psychologist to father dated August 19, 2025 at 12:46 p.m.
42. PWN for Evaluation or Reevaluation and Request for Consent dated August 19, 2025
43. Email from TLEC School Psychologist to parent dated August 25, 2025 at 1:07 p.m.
44. Notice of Meeting for September 3, 2025 meeting, signed by father on August 27, 2025
45. IEP Team Meeting Notes for the September 3, 2025 meeting
46. Email between father and 10th grade Special Education Teacher and TLEC Special Education Director dated September 16, 2025
47. IEP Amendment dated September 18, 2025
48. PWN dated September 18, 2025 and signed by parent on that same date
49. District Response to Allegations dated September 12, 2025
50. Positive Behavior Intervention Plan, undated
51. Student Schedule for the 2025-26 school year
52. USD #378 School District Calendar for the 2025-26 school year
53. LEA response to Investigator clarification questions dated September 26, 2025

Background Information

The student is a 15-year-old young man currently enrolled in the 10th grade at the Riley County High School in USD #378. The student lives at home with his stepmother and father, who obtained sole legal custody of the student in June 2025, which resulted in the father now being the sole educational decisionmaker for the student. Prior to that time, the father and mother shared custody and both were considered educational decisionmakers for the student. The father and LEA staff reported there was a history of parents not agreeing on what was in the best interest for the student .

The student received early intervention services and began receiving special education at the age of three through the LEA's early childhood special education program. Interviews noted the student has attended school in USD #378 since kindergarten and received special education and related services through an IEP at all time. The student's most recent triennial reevaluation was conducted on February 5, 2024 without additional assessment. At that time, the multidisciplinary team determined the student continued to be a child with a disability and in need of continued special education and related services under the IDEA category of Autism.

Issues Investigated

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

Issue One

USD 378, in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), failed to implement the student's IEP, specifically by not providing the required amount of special education services during the 2024-25 school year.

Applicable Law

Federal regulations at 34 C.F.R. 300.320(a)(4) require public agencies to include a statement in the IEP describing the special education and related services to be provided to the child, or on behalf of the child, that will enable the child to advance appropriately toward attaining the annual goals; to be involved in and make progress in the general education curriculum ; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other children with disabilities and nondisabled children.

Federal regulations at 34 C.F.R. 300.320(d)(2) states that there is no requirement for the IEP team to include information under one component of a child's IEP that is already contained under another component of the child's IEP.

Federal regulations at 34 C.F.R. 300.323(c)(2) requires school districts to ensure that as soon as possible following the development of the IEP, special education and related services are made available to the child in accordance with the child's IEP.

Parent Position

The father is concerned that the student is not receiving the special education services as described in the student's IEP. The IEP team met on September 18, 2024 and the IEP amendments and PWN notices resulting from that meeting made it difficult to match the minutes on the IEP with the student's daily school schedule. Per an October 17, 2024 communication from parent, "According to [the student's] current IEP, approximately 32% of [the student's] services were to be provided in special education setting, approximately 58% of his services were to be provided in a general education setting, and approximately 11% of his time was attendant care. Upon analysis of [student's] initial schedule for the 2024-2025 school year and his revised schedule, he is spending approximately 73% of his time in the special education setting, 19% in a general education setting, and 8% in attendant care" Ultimately, the parent reported that he signed the a revised PWN dated November 1, 2024 which more clearly described the student's special education minutes and school schedule "under duress" on November 5, 2024 because "the process is taking far more time and resources than necessary".

LEA Position

The allegation in ISSUE ONE appears to stem from the father's misunderstanding of the need to adjust service minutes because of the student's transition to high school from the grade school building. The student's IEP developed on February 5, 2024 reflected the services received during 8th grade in the grade school building based on the same schedule for five days per week. The high school building follows a block schedule, which rotates every other week. The student's IEP was amended in spring 2024 to coincide with the schedule at the high school.

Regardless, the student receives full-time support throughout the school day, including lunch and breaks. The amendments changed the support times for general education classes and direct instruction times, but there was no gap in the provision of IEP services. The student always received full-time support from special education staff during the school day and the LEA denies any failure to implement the student's special education services.

Analysis: Findings of Fact

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

1. The February 5, 2024 IEP lists the beginning and ending date for all special education and related services as February 5, 2024 through February 4, 2025. However, the Participation with Nondisabled Peers and the prior written notice dated February 5, 2024 includes a statement describing how the student's special education minutes will change beginning August 16, 2024 when the student transitions to the high school.
2. The February 5, 2024 IEP was amended on May 4, 2024 to add IEP goals to address behavior. No changes were made to the special education and related services minutes on the IEP and the PWN resulting from this meeting does not document any change in IEP team minutes.
3. An IEP team meeting was held on September 18, 2024 to amend the student's IEP by adding several goals and to specifically describe the classes where the special education services were being provided to match the student's 9th grade class schedule. The mother and father were provided with prior written notice of these proposed changes on September 27, 2024 and again on November 1, 2024. The father signed consent for these changes on November 5, 2024.
4. The student's 9th grade class schedule shows the student was enrolled in two general education classes with special education support each day and the remainder of his classes were in the special education setting. The student receives special education services and supports throughout the entire school day.
5. The January 22, 2025 IEP lists the special education services based on the class schedule for the student [e.g. PE in general ed setting with special education support for 85 minutes 2 days per week, every other week; PE in general ed setting with special education

support for 85 minutes 3 days per week, every other week]. The services summary matches the student's 9th grade class schedule during the 2024-25 school year.

Conclusion

IDEA requires that public agencies to include a statement in the IEP describing the special education and related services to be provided to the child, or on behalf of the child, that will enable the child to advance appropriately toward attaining the annual goals; to be involved in and make progress in the general education curriculum ; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other children with disabilities and nondisabled children. The IDEA also requires the student's IEP to be implemented as written.

In this case, the student had two IEPs in place during the 2024-25 school year while in the 9th grade at the high school. The Participation with Nondisabled Peers section of the February 5, 2024 IEP and the PWN provided to the father following that IEP team meeting included a description of the special education services to be provided beginning on August 16, 2024 when the student transitioned to the high school building. These services matched the student's 9th grade schedule which included two "inclusion classes" where the student participated with typical peers in the general education setting with special education support. An IEP was held on September 18, 2024 to add several goals and to specifically describe the classes where the special education services were being provided to match the student's 9th grade class schedule.

The January 22, 2025 IEP describes the special education services to be provided to the student in the Services Summary section of the IEP and these services matched the student's 9th grade schedule which continued to include the Art and PE classes where the student participated with typical peers in the general education setting with special education support.

In this case the LEA does include a description of special education services to be provided to the student during the 2024-25 school year in the February 5, 2024 and January 22, 2025 IEPs. Although the descriptions were included in different sections of the IEP e.g the Participation with Nondisabled Peers section of the February 5, 2024 IEP and in the Services Summary of the January 22, 2025 IEP, the LEA did include the required information in the student's IEP. And, even though allowed by the IDEA, it is noted that this situation led to multiple misunderstandings between LEA staff and the student's father which could have been avoided if the information was uniformly reported in the same sections of both IEPs.

Based on the foregoing, it is found that the *LEA is IN of compliance* and no corrective actions are required.

Issue Two

USD #378, in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), failed to implement the student's IEP, specifically the Behavior Intervention Plan (BIP) by not providing the daily behavior reports to the parent during the 2024-25 school year.

Applicable Law

Federal regulations at 34 C.F.R. 300.300.324(a)(2)(i) require the IEP team to consider the use of positive behavioral interventions and supports, and other strategies, to address any behavior that impedes the learning of the student or that of others.

Federal regulations at 34 C.F.R. 300.323(c)(2) require school districts to ensure that as soon as possible following the development of the IEP, special education and related services are made available to the child in accordance with the child's IEP.

Parent Position

The child complaint stated that the behavior intervention plan (BIP) has not been updated and/or provided to the parents since grade school and an updated functional behavioral assessment (FBA) was requested by the father. The current BIP states that a daily tracker will be sent home. This did not happen during the 2024-2025 school year and only happened in the 2025-2026 school year when father has provided sheet for the teacher to fill out.

The father acknowledged that the BIP does not require daily progress reporting but contends that the LEA should be sending home reports of behavior when the student's behavior reaches any level on the ABC chart. The father is also concerned that no behavior data was provided on any progress monitoring reports about the student's BIP.

LEA Position

The student's IEP contains a BIP, which was reviewed and updated at IEP team meetings on 2/5/2024 and again on 1/22/2025. Both of the student's parents signed the BIP forms. There is nothing noted in the student's BIP about daily behavior reports being provided to parents. Both the February 2, 2024 BIP and the January 22, 2025 BIP state: "Progress will be reported at the same intervals as general education progress reports and/or report cards are issued unless otherwise indicated below. . . . When the student has a behavior that is on his level 1-4 ABC chart. ABC chart will be made by the special education with the support of the behavior teacher if needed." The current BIP further states, "Monthly data will be taken when the student is not complying with the directive and asking for additional minutes before transitioning."

For further context the LEA reported that the 9th grade Special Education Teacher initially sent daily emails to the mother at the beginning of the 2024-25 school year. However, the mother requested no emails and preferred a verbal report. The 9th grade Special Education Teacher

then gave daily verbal reports when either of the student's parents dropped the student off or when the mother picked him up at school. The father expressed irritation at one point because when the mother had custody of the student, he was not getting a verbal report; but the father never obtained a commitment from the LEA for daily behavior reports. The LEA has always been responsive to the parents if they have questions or would like to know how the student is doing each day and the LEA believes both parents have always been well informed of the student's behavior. Regardless, the BIP did not require daily reports, so the lack of daily reports (written or verbal) is not a failure to implement the IEP.

Analysis: Findings of Fact

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

1. Both the February 5, 2024 and January 22, 2025 IEPs indicate the student requires a Behavior Intervention Plan (BIP) to address social/emotional behaviors.
2. The student's BIP that was signed by both parents on February 5, 2024 and reviewed during the IEP team meetings held on September 18, 2024 and January 22, 2025. The BIP remained the same following both subsequent IEP team meetings in regard to not including a requirement for a note regarding the student's behavior to be provided to the parents of the student on a daily basis.
3. The BIP also remained the same in regard to Progress Monitoring which required that "The IEP should contain at least 1 goal to address and monitor student behavior and the effectiveness of this plan and should appear of the goals page of the IEP". The method for collecting data was through a "behavior tracking sheet/report". Frequency was described as "Other; see below". The box below this statement contained the following typed statement: "Progress will be reported at the same intervals as general education progress reports and/or report cards are issued unless noted below:". Below that statement was typed: "When the student has a behavior that is on his level 1-4 ABC chart. ABC chart will be made by the special education with the support of the behavior teacher if needed". At the January 22, 2025 IEP team meeting, the BIP was revised to add the following statement: "Monthly data will be taken when the student is not complying with the directive and asking for additional minutes before transitioning".
4. The student's ABC Chart lists the following levels and descriptions of behavior:
Level 1: Saying "No", "Leave me alone", "Go Away"
Level 2: Cursing, Personal Space, Not leaving recess
Level 3: Throwing objects/items
Level 4: Attacking/Assaulting, Hitting/Kicking, Biting/Spitting
5. The February 5, 2024 IEP did not include a goal related to the student's behavior even though the present level included a description of behavioral concerns which were addressed in the BIP. The IEP team added a behavior goal when amending the

student's IEP on September 18, 2024. The IEP team reviewed and revised the student's behavior goal at the January 22, 2025 IEP team meeting.

6. A total of 11 ABC Charts for behaviors ranging between level 1 and 4 were completed for the student between August 15 and December 11, 2024. The father reported and the LEA acknowledged that these were not provided to the father; instead, the LEA reported this data was used to assess progress towards Goal 8 (the behavior goal) in the September 18, 2024 amendment to the February 5, 2024 IEP.
7. The IEP Goal Progress Report for the January 22, 2025 IEP reported "Slight Improvement" for Goal 6 (the behavior goal) on February 28, 2025; however, April 11, 2025 is shown as the date the report was hand-delivered to the parent. The data report stated, "The student's behavior continues to improve. We have not seen any major behaviors this month. The student is complying with directive within the 3 minutes of verbal reminders after the initial 5-minute timer with 82% accuracy".

Conclusion

IDEA requires that IEP teams consider the use of positive behavioral interventions and supports, and other strategies, to address any behavior that impedes the learning of the student or that of others. The behaviors can be addressed through individualized behavior intervention plans and/or IEP goals as a part of the student's IEP and, as such, must be implemented as written.

In this case, the student's IEP team determined the student's behavior was to be addressed through a BIP and at least one IEP goal during the 2024-25 school year. While the original February 5, 2024 IEP did not include a behavior goal, this was corrected through an IEP amendment on September 18, 2024. When the IEP was reviewed and revised on January 22, 2025, the IEP team again included both the BIP and a behavior goal. While the BIP does not require any daily reporting to the parents regarding the student's behavior, it does list three specific times in the Progress Monitoring section of the BIP when the parent will be notified.

First, the BIP requires "Progress will be reported at the same intervals as general education progress reports and/or report cards are issued". Note that concerns with the IEP goal progress reporting during the 2024-25 school year on the student's two behavior goals will be addressed in ISSUE FIVE.

Second, the BIP qualifies the statement "Progress will be reported at the same intervals as general education progress reports and/or report cards are issued" by adding the phrase "unless noted below:" and below that statement was typed: "When the student has a behavior that is on his level 1-4 ABC chart". This means that when the student exhibits a behavior described in any of the four levels of the ABC Chart, this behavior should have been reported to the parents. Eleven ABC Charts were completed between August 15 and December 11, 2024 documenting the student's behavior ranging between Level 1 and 4; however, none of these ABC charts were sent to the parents as required by the other circumstance described in the BIP.

Third, after January 22, 2025, the BIP required that “Monthly data will be taken when the student is not complying with the directive and asking for additional minutes before transitioning”. The IEP Goal Progress Report indicated this was done at some time during the third quarter because data was reported showing the student was able to transition appropriately within 3 minutes beyond the initial 5-minute timeframe with 82% accuracy. However, it unclear if this was implemented during the fourth quarter as the IEP Goal Progress Report did not reflect anything reported at that time.

Based on the foregoing, it is found that the *LEA is OUT of compliance* and corrective actions are required.

Issue Three

USD #378, in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), failed to develop and include a post-secondary transition plan in the student’s IEP when he transitioned to high school at the beginning of the 2024-25 school year.

Applicable Law

Federal regulations at 34 C.F.R. 300.320(a)(2) require that , beginning not later than the first IEP to be in effect when the student turns 16 and updated annually, school districts must develop IEPs that include 1) appropriate measurable post-secondary goals based on age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills, and 2) transition services, including a course of study, needed to assist the student in reaching those goals.

However, Kansas statutes at K.S.A. 72-3429(c)(8) require this transition planning to begin at the age 14. In addition, at age 16, these Kansas statutes require a statement of needed transition services for the student, including, when appropriate, a statement of the interagency responsibilities or any needed linkages.

Chapter 4-The Individualized Education Program, Section E in The Kansas Special Education Process Handbook states:

Beginning at age 14, transition services must include a description of courses of study. Courses of study are defined as a multi-year description of coursework to achieve the student’s desired post-school goals, from the student’s current to anticipated exit year. The courses of study may be identified on the student’s IEP either as a list of courses of study or as a statement of instructional program, as appropriate for the student. If the IEP team chooses to identify the courses of study on the student’s IEP as a list of courses of study, be aware that the IEP must be amended, using the IEP amendment process or an IEP team meeting, to reflect any changes to a list of courses of study.

Parent Position

The father reported that a transition plan was not developed for the student when he transitioned from eighth to ninth grade at the beginning of the 2024-25 school year. The father is also concerned that the student's schedule of courses listed in the IEP was changed at the beginning of the student's 10th grade year. The father stated that the case manager emailed the father on August 21, 2025 notifying him of the change in schedule, removing Art and enrolling the student in Horticulture and Industrial Technology. No IEP amendment was made to change the student's course of study.

LEA Position

The LEA reported that per federal regulations and state law, transition plans are written for students during the IEP year they turn age 14 and this occurred for the student during 8th grade. The initial transition plan was written for the student at the February 8, 2023 IEP meeting, during 7th grade. Both parents were participants in the February 5, 2024 IEP team meeting when the transition plan was reviewed with only the mother completing the parent survey to provide written input. The IEP team revisited the student's post-secondary transition plan on January 22, 2025 with both mother and father completing parent surveys to provide written input.

In an email on August 16, 2024, the stepmother stated (among other things), "We'd like to get his transition meeting scheduled as soon as possible. We were of the understanding this was going to happen prior to the school year starting so the sooner we can meet, the better. What information do you need from us to get that scheduled?" The LEA reported that It appeared as if the stepmother and father didn't realize that the transition meetings had already been held during the spring of the student's 7th and 8th grade years. Regardless, the LEA has met its obligation to develop a transition plan for the student beginning at age 14.

Analysis: Findings of Fact

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

1. The student's birthday is on November 24, 2009. The student turned age 14 on November 24, 2023.
2. The IEP in effect when the student turned age 14 was developed on February 8, 2023 and included a transition plan for the student.
3. The February 5, 2024 IEP includes a transition plan based on the mother's transition survey and both parents' input during the IEP team meeting. There are statements regarding the student possibly attending community college for training/education and possible selling art at the mother's salon for employment as well as a reference to "see survey". Independent living skills just states "see survey". None of these are measurable post-secondary goals. The course of study notes the student does not receive grades

based on his highly modified curriculum, but the student is anticipated to graduate in 2027-28 with a high school diploma. It is noted the student has earned 0 credits towards graduation and specific courses are not listed in the course of study.

4. The January 22, 2025 IEP includes a transition plan based on both the mother and the father's transition surveys and both parents' input during the IEP team meeting. This transition plan includes an education/training goal stating that the student will receive on-the-job-training in the field of art/drawing or animal care; an employment goal for working in the field of art/drawing, Artist, Videography, Animal Care; and an independent living goal to live in a group home or with family. The course of study notes the student does not receive grades based on his highly modified curriculum, and the student is anticipated to complete his education during the school year he turns age 21 or whenever he meets his alternative graduation requirements. It is noted the student has earned 0 credits towards graduation and specific courses are not listed in the course of study.

Conclusion

IDEA and Kansas law requires that, beginning not later than the first IEP to be in effect when the student turns 14 and updated annually, school districts must develop IEPs that include 1) appropriate measurable post-secondary goals based on age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills, and 2) transition services, including a course of study, needed to assist the student in reaching those goals. If specific classes are listed in the course of study, prior written notice must be provided to the parents when any change in the student's class schedule is made.

In this case, a transition plan was developed and included in the February 8, 2023 IEP which was in effect when the student turned age 14 on November 24, 2023. While the transition plan included in the February 5, 2024 IEP did not include measurable post-secondary goals, this was corrected in the January 22, 2025 IEP which does include measurable post-secondary goals for education/training, employment, and independent living. The transition plan in effect at the beginning of the 2025-26 school year did not include a list of specific classes in the course of study and, as such, the LEA was not required to provide the parent with prior written notice of the change from the Art class to the Horticulture and Industrial Technology classes.

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

Issue Four

USD #378, in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), failed to implement the student's IEP, specifically by not providing transportation as a related service during the 2024-25 school year.

Applicable Law

Federal regulations at 34 C.F.R. 300.320(a)(4) require public agencies to include a statement in the IEP describing the special education and related services to be provided to the child, or on behalf of the child, that will enable the child to advance appropriately toward attaining the annual goals; to be involved in and make progress in the general education curriculum ; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other children with disabilities and nondisabled children.

Federal regulations at 34 C.F.R. 300.34(a) define "related services" as meaning transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education. Federal regulations at 34 C.F.R. 300.32(b)(16) define "transportation" as meaning travel to and from school and between schools; travel in and around school buildings; and specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability.

Federal regulations at 34 C.F.R. 300.323(c)(2) requires school districts to ensure that as soon as possible following the development of the IEP, special education and related services are made available to the child in accordance with the child's IEP.

Parent Position

The child complaint stated that the team agreed special education transportation was necessary for the student when he transitioned to the high school building at the beginning of the 2024-2025 school year. Parents reported these services were not set up until just shortly before the school year began; the father acknowledged that transportation services were initiated on the first day of school.

On September 12, 2024, the parents were notified that the driver refused to transport the student and that alternative transportation was to be provided by the special education teacher. The father responded that this impacted service minutes due to a change in schedule and voiced concerns over discrimination. Inconsistent pick-up and drop-off times continued through the remainder of the 2024-25 school year, extended school year (ESY), and that this inconsistency as continued into the 2025-2026 school year started due to adult schedules. Even though there was inconsistent timing, the father acknowledged the LEA did provide

transportation for the student to/from the high school building during the 2024-25 school year.

The father and stepmother also reported that transportation as a related service as well as the special education service minutes for transportation are not documented in the January 22, 2025 IEP despite continuing to receive transportation as a related service.

LEA Position

In July 2024, the father contacted the Principal of Riley County High School and asked for the LEA to provide transportation for the student both to and from the high school every other week when the student was living with and in the custody of the father. On August 12, 2024, the LEA and the father agreed to amend the February 5, 2024 IEP without an IEP team meeting to add transportation as a related service, per the father's request.

Notably, the father and stepmother sent demanding emails over the summer of 2024 regarding setting up the transportation. The LEA's responses were somewhat delayed during the summer because administration was working on purchasing a new van and figuring out the schedule for picking up the student, along with other students. However, transportation began as planned on the first day of school, August 14, 2024.

Per his IEP, the student had transportation services from August 14, 2024 through the end of the IEP year, February 4, 2025, and then again from February 5, 2025 through May 22, 2025. The student also received transportation for ESY services during the summer of 2025. Transportation was provided consistently and the LEA denies any failure to provide this related service.

The father has complained about inconsistent drop off and pick up times. The LEA indicated this is just the nature of bus service, which is impacted by traffic, weather, and other natural factors. Indeed, the father has acknowledged that the student is sometimes unwilling to go to school, which delays his departure from home (and that of other students).

The father has also alleged discrimination or a failure to implement because a bus driver requested not to transport the student after he became escalated toward her one day. This driver is a petite woman in her 60s who has personal health concerns, so the LEA honored her request to be removed from the route for her own sense of safety because the student is bigger than this driver. The change in driver did not disrupt the student's transportation, which was covered by other employees. The LEA has the right to make staffing decisions based on various factors, including employee needs, and did not violate the student's IEP or discriminate against him.

Analysis: Findings of Fact

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

1. The IEP developed on February 5, 2024 stated that the student did not require transportation as a related service.
2. On July 27, 2024, the father contacted the Principal of Riley County High School and requested transportation to/from the high school building on the weeks the student was living with the father and stepmother.
3. On August 12, 2024 at 4:24 p.m., the 9th grade Special Education Teacher responded to an email from the father indicating that an IEP amendment adding transportation as a related service would be scanned and sent home for signatures.
4. The IEP Amendment sent to the father described the change to the February 5, 2024 IEP as "Beginning 8/14/24, the student will receive student transportation minutes of 20 minutes per day, 5 days per week. This will be on the dad's week with the student. Due to adding student transportation minutes, this will affect the student's AC [Attendant Care] minutes. He will be receiving 30 minutes of AC 5X every other week and 50 minutes 5X every other week on mom's week."
5. No prior written notice corresponding to the changes proposed in the IEP amendment was provided by the LEA despite an initial request for copies of all prior written notices provided to the parent during the 2024-25 school as part of the documentation review in the investigation. This concern will be addressed in ISSUE NINE.
6. The August 14, 2024 amended version of the February 5, 2024 IEP reflected the student required transportation as a related services and listed the frequency as 20 minutes for five days per week when the student was living with his father; the location as "Dad's home"; and the duration as August 12, 2024 through February 4, 2025.
7. In addition, the Special Education and Related Services Summary Chart in that IEP reflects a related service of special education transportation with a location of "T-extracurricular"; an amount of time as 20 minutes; a frequency of five days per week every other week; and a duration of August 14, 2024 through February 4, 2025.
8. The student's IEP team met on January 22, 2025 the review and revise the IEP as appropriate. The IEP team determined the student did require transportation as a related service to continue as currently being provided until the next annual IEP review on January 21, 2026.
9. The LEA provided a copy of the January 22, 2025 IEP that included duplicate pages documenting the transportation as a related service. The first page included a handwritten note stating "See Webkidss" for the description of the service, frequency, location, and duration while the second page was blank in terms of the service, frequency, location, and duration.
10. The WebKIDSS anticipated services page shows special education transportation for 20 minutes, five days per week, every other week beginning on January 22, 2025 and ending on January 21, 2026.
11. Again, the Special Education and Related Services Summary Chart in that IEP reflects a related service of special education transportation with a location of "T-extracurricular";

an amount of time as 20 minutes; a frequency of five days per week every other week; and a duration of January 22, 2025 and ending on January 21, 2026.

12. The LEA provided Transportation Logs and Transportation Notes which documented the LEA either provided transportation or was willing to provide transportation between the first and last days of the 2024-25 school year as well as during the days the student was assigned to receive extended school year services in June and August 2025. The Transportation Logs document both date and mileage; however beginning and end times are not documented.

Conclusion

IDEA requires that each student's IEP team determines if transportation as a related services is required for the student to benefit from special education. If transportation as a related service is required, it must be provided as described in the IEP.

In this case, the father requested to amend the student's February 5, 2024 IEP to include transportation as a related service on July 27, 2024. The LEA responded by agreeing to amend the student's IEP for this requested change on August 12, 2024 without conducting an IEP team meeting. The student received transportation on a daily basis between August 14, 2024 and January 21, 2025. On January 22, 2025, the IEP again determined that transportation as a related services was required for the student to benefit from his special education. While this was not correctly documented in the IEP document developed on January 22, 2025, it is clear that the father and the LEA agreed that the student required the continued transportation to/from the father's home on the weeks when the student was living with the father and stepmother. Documentation and interviews confirm that the student did receive transportation as a related service.

The student's August 12, 2024 Amendment to the February 5, 2024 IEP and/or the January 22, 2025 IEP specifically indicated 20 minutes of transportation services, five days per week. However, this IEP provision does not require that transportation services will be provided for precisely 20 minutes for each trip. Federal regulation 34 C.F.R. 300.320(a)(7) requires that every IEP include the "anticipated" duration of services.

The "anticipated" duration requirement is particularly applicable for services such as transportation where factors outside of the district's control (traffic, stop lights, students late to bus stop, road work, etc.) where a strict time period (20 minutes, no more or less) is not practical or possible. It is sufficient implementation of the IEP when transportation services are provided for approximately the duration stated in the IEP, taking into account unexpected delays due to factors beyond the control of the district.

For this reason, the duration of transportation as a related services does not have to be stated in hours and minutes, as long as the description is sufficient to make clear what the obligation of the school is. For example, the frequency and duration of transportation could be described as: The student will receive transportation to school and back home every school day

(frequency) and from the time the student boards the bus until the student arrives at school or arrives at home (duration).

Based on the foregoing, the LEA is found that the *LEA is IN compliance* and no corrective actions are required.

Issue Five

USD #378, in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), failed to determine if the student was making adequate progress towards the IEP goals, specifically by relying on data collected on days the student was not in attendance during the 2024-25 school year.

Applicable Law

Federal regulations at 34 C.F.R. 300.320(a)(3) require public agencies to include a statement in each IEP describing how the child's progress toward meeting the annual goals will be measured; and when periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

Parent Position

The child complaint stated, that in preparation for the 2024-25 IEP meetings, the father requested raw progress monitoring sheets. The data sheets provided show that data was "collected" on dates that the student was not present in school, specifically, November 6, 7, 8, 2024 and January 8, 2025. The father now questions the accuracy of the student's IEP Goal Progress Reports because these summaries are based on inaccurate raw data.

LEA Position

The LEA reported data was collected as required by the IEP and IEP Goal Progress Reports have been provided to parents as required during the 2024-25 school year. With regard to the father's allegations relating to the wrong dates on data sheets, the LEA reports this was due to human error. Sometimes forms are pre-dated for convenience, which can mean data is added to the wrong dates. During an internal review of this allegation, the 9th grade Special Education Teacher reported his record-keeping practices are thorough, and data is collected accurately to reflect the student's performance even if the date is incorrect on the raw data sheet. The LEA believes that it is erroneous to suggest that a couple of incorrect dates discredit the overall progress that the student made, which was shown through months of data.

Analysis: Findings of Fact

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

1. The student's IEP goals require progress towards each goal to be measured through data collocation.
2. The LEA acknowledged that data was recorded on the raw data sheets on for the dates of November 6, 7, 8, 2024 and January 8, 2025 and that the student was not in attendance on those days.
3. During an interview with the 9th grade Special Education Teacher, he reported a practice of pre-dating data sheets for convenience. While he acknowledged that the data collected may have been entered on the wrong dates on the raw data sheets, he reported that the data that was taken and recorded was an accurate reflections of the student's performance at that time.
4. IEP Goal Progress Reporting for the period covered for the incorrect dates was completed on January 10, 2025 and provided to the mother and the father. The data collected on the raw data sheets between October 16, 2024 and January 10, 2025 support the conclusions reported on the IEP Goal Progress Reports dated January 10, 2025.

Conclusion

IDEA requires that public agencies must include a statement in each IEP describing how the child's progress toward meeting the annual goals will be measured; and when periodic reports on the progress the child is making toward meeting the annual goals will be provided.

In this case, the student's IEP indicated IEP goal progress would be measured through data collection. The LEA maintained the raw data sheets as educational records and provided these the father upon his request. It is noted that the dates when the raw data was entered on incorrect dates was used to complete the January 10, 2025 IEP Goal Progress Reports. Despite the four dates when data was erroneously recorded on the wrong date on the raw data sheet through human error, the overall raw data supported the conclusions reported on those IEP Goal Progress Reports dated January 10, 2025.

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

Issue Six

USD #378, in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), failed to individually determine the need for extended school year (ESY) services, specifically by unilaterally limiting the duration of those services for the student during summer 2025.

Applicable Law

Federal regulations at 34 C.F.R. 300.106(b) require that the IEP team must consider the need for extended school year services in order to provide a free appropriate public education (FAPE) to each student with a disability.

Parent Position

The father reported that during the January 22, 2025 IEP team meeting, it was stated that extended school year (ESY) services are provided for two weeks for two hours a day during the summer break following the end of the school year and again just prior to the next school year. This is exactly what was recommended by the LEA for the student at the end of the 2024-25 school year during the IEP team meeting on May 8, 2025. There was no conversation expanding into what would be appropriate for the student based on his needs.

LEA Position

The LEA reported that the student received ESY services during the summer of 2025. While the father wanted longer services for a longer period of time over the summer of 2025, it is not accurate to say the IEP team unilaterally determined the duration of the student's ESY. "All available" members of IEP team met on May 8, 2025 to determine the need for ESY services. The team discussed and reviewed the student's progress toward goals, which goals needed to be worked on to prevent regression, and the amount of time needed to work on those goals.

Progress reports show data on the goals where the student either had slight improvement or a regression. The 9th grade Special Education Teacher stated in the prior written notice that "The student showed regression on his comprehension, time management, and his writing goals. These are areas that the team would like to focus on this summer with ESY." The LEA noted that the student only showed regression on one goal but two newer goals only showed slight improvement. The IEP team decided to work on two newer goals that they considered necessary for the student and it was best for the student to work on them to avoid regression. These were new goals that had been added during the IEP year per the father's request.

Analysis: Findings of Fact

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

1. The January 22, 2025 IEP shows that the IEP team determined ESY services are necessary for the student and that "Anticipated services will be determine prior to April 1, 2025, after more data is taken to determine which goals need to be maintained and worked on during ESY".
2. IEP Goal Progress Reports showed the student showed regression on the time management (behavior) goal and only slight improvement on reading and writing goals during the 2024-25 school year.
3. An IEP Amendment Form for Changes Not Requiring a Full IEP Team Meeting documents that a meeting was held on May 8, 2025 with "all available team". As a result of that meeting an IEP amendment was developed to provide ESY services to the student for four weeks during the summer of 2025. The IEP team proposed four days per week for the four weeks with the first two weeks being June 2-5 and June 9-12. The second two weeks would be July 21-24 and July 28-31. Transportation would be provided during the weeks the student is living with his father and stepmother.
4. On May 15, 2025, the 9th grade Special Education Teacher sent an email to the mother and the father with the dates and times of the ESY services and identifying the ESY Teacher. The 9th grade Special Education Teacher indicated that a copy of the IEP amendment adding the ESY services would be emailed home.
5. On May 20, 2025, the father was provided with prior written notice proposing these ESY services and noted the student showed regression on his comprehension, time management, and writing goals and those were the areas of focus during ESY. The father provided written consent on May 27, 2025.

Conclusion

IDEA requires that the IEP team must consider the need for extended school year services in order to provide a free appropriate public education (FAPE) to each student with a disability.

In this case, the IEP team determined the student required ESY services during the January 22, 2025 IEP team meeting and additional data was needed in order to determine the goals to be addressed as well as the amount of ESY services required. On May 8, 2025, available members of the IEP team met and based on a review IEP goal progress, it was determined to focus on the comprehension, time management, and writing goals during ESY. The IEP team determined that the student required four days per week for four weeks with the first two weeks being June 2-5 and June 9-12. The second two weeks would be July 21-24 and July 28-31. The father was provided with prior written notice proposing the ESY services May 20, 2025 and written consent was provided on May 27, 2025.

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

Issue Seven

USD #378, in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), failed to appropriately respond to the parent's request for an IEP team meeting made on June 18, 2025.

Applicable Law

Federal regulations at 34 C.F.R. 300.324(b)(1) require public agencies to ensure that each child's IEP is reviewed periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and revises the IEP, as appropriate, to address information about the child provided to, or by, the parents.

Federal regulations at 34 C.F.R. 300.322(a) require public agencies to take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and scheduling the meeting at a mutually agreed on time and place.

Parent Position

The father reported that he requested an IEP team meeting on June 18, 2025 to be held prior to August 1, 2025 to address substantial changes and updates to the student's IEP based on a change in circumstance. The father indicated he made multiple attempts to try and get this meeting schedule over the course of the summer but was told a meeting could not be held until school staff returned to the LEA on August 7, 2025. The father reported that he was contacted on August 12, 2025 by the 10th grade Special Education Teacher and a meeting was scheduled for August 14, 2025, which was the day before the first day of the school year. However, when he arrived for this meeting, he learned the meeting was a parent/teacher meeting with the 10th grade Special Education Teacher instead of an IEP team meeting. As of August 28, 2025 when he filed the child complaint with KSDE, the LEA had not responded to his request for an IEP team meeting.

LEA Position

The LEA reported that the father did not request an IEP team meeting on June 18, 2025; instead, the parent requested to meet with the Riley County High School Principal, the TLEC Director of Special Education, and the 10th grade Special Education Teacher to discuss a "list of items". The TLEC Director of Special Education responded to the father that a meeting with the student's teacher(s) could not happen during the summer because staff were not under contract at that time but offered to schedule a meeting in August. The father indicated he would prefer to meet briefly with the Riley County High School Principal and the TLEC Special Education Director to "ensure everyone was on the same page with communication and the father's requests". The father and the Riley County High School Principal met on June 19, 2025. Once staff returned to work at the beginning of August, the 10th grade Special Education

Teacher arranged to meet with the father and grandmother on August 14, 2025. Following that meeting, an IEP Meeting Notification was provided to the parent scheduling an IEP team meeting for September 3, 2025

The LEA noted that not every request for a meeting must be treated as an IEP team meeting, and the father never stated that he believed the full team needed to be assembled when he made his request to meet with only a selected few school staff in June 2025. Regardless, it was not possible to have a full IEP team meeting during the summer as staff are not under contract at that time. Once school started, the LEA was responsive to the father's request to meet reconvene the student's IEP team.

Analysis: Findings of Fact

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

1. The email dated June 18, 2025 at 8:02 a.m. written by the father stated, "I am writing to request a meeting to review several important updates. These matters impact the student's current and upcoming IEP, classroom supports, and long-term transition planning." The email included a list of 12 topics/requests.
2. The father and the Riley County High School Principal met on June 19, 2025. The father and reported and the Riley County High School Principal acknowledged that this meeting was to discuss personnel matters regarding general education teachers working with the student.
3. On June 26, 2025, the 10th grade Special Education Teacher responded to the father via email for each of the 12 topics/requests in the June 18, 2025 email and indicated a meeting would be scheduled once school began again in August.
4. On July 7, 2025, the father responded to the 10th grade Special Education Teacher and the Riley County High School Principal stating, "As we approach the start of school, I would like to discuss a good meeting date. My goal would be to have this meeting prior to the first day of school. I understand you aren't on contract and/or on vacation, but I know how quickly the first few weeks fill up".
5. The USD #378 School Calendar for the 2024-25 school year shows school staff returning to the district on August 7, 2025 and High School Orientation scheduled for August 14, 2025. The first day of classes was scheduled for August 15, 2025.
6. The 10th grade Special Education Teacher emailed the father on August 8, 2025 indicating that he would get with the Riley County High School Principal to see if a meeting could be arranged for August 14, 2025.
7. On August 11, 2025, the 10th grade Special Education Teacher tentatively scheduled a meeting for 2:00 p.m. but the father sent an email at 7:54 p.m. to the mother, the TLEC Director of Special Education, the Riley County High School Principal, and the 10th grade Special Education Teacher that he would not be able to attend this meeting. He also stated in the email that the mother would need to submit a list of additional IEP participants to him no later than noon the day before any IEP meeting was held.

8. The father and the 10th grade Special Education Teacher were able to arrange a meeting at 1:30 p.m. on August 14, 2025. The father, the student's grandmother, and the 10th grade Special Education Teacher attended this meeting. The father believed this was supposed to be an IEP team meeting while the 10th grade Special Education Teacher believed this was a parent/teacher conference prior to the first day of the new school year as requested in the July 7, 2025 email.
9. A Notice of a Special Education Meeting scheduled for September 3, 2025 at 1:30 p.m. was provided to the father who indicated in writing that he planned to attend the IEP team meeting and waived his right to a 10-day prior written notice of the meeting on August 27, 2025.

Conclusion

IDEA requires that public agencies ensure that each child's IEP is reviewed periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and revises the IEP, as appropriate, to address information about the child provided to, or by, the parents.

In this case, the father sent an email to the Riley Count High School Principal, the TLEC Director of Special Education, and the student's 10th grade Special Education Teacher on June 18, 2025 and requested a meeting to "review important updates" and discuss 12 issues/requests which will "impact the student's current and upcoming IEP, classroom supports, and long-term transition planning."

It is noted that there was a misunderstanding regarding the purpose of the meeting held between the father and the 10th grade Special Education Teacher on August 14, 2025; however, the parent was not provided with written notice of an IEP team meeting on this date nor asked to waive the 10-day notification requirement and, therefore, this would not have been considered an IEP team meeting.

In contrast, the first day of the 2025-26 school year was August 15, 2025 and the LEA provided the father with a Notification of an IEP Team Meeting scheduled for September 3, 2025 at 1:30 p.m.. The father indicated in writing that he planned to attend this IEP team meeting and waived the 10-day prior written notice requirement on August 27, 2025.

It is important to note that the LEA is correct that not all parent requests for a meeting are a request for an IEP team meeting; however, there is also no requirement that the parent request for a meeting must include the term "IEP team meeting" for it to be considered a request for an IEP team meeting either. The context of the request and the reason the parent has requested the meeting must be considered. In this case, the parent specifically indicates the "important updates" will "impact the student's current and upcoming IEP, classroom supports, and long-term transition planning."

Based on the foregoing, it is found that the *district is IN compliance* and no corrective actions are required.

Issue Eight

USD #378, in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), failed to appropriately respond to the parent's request for a special education evaluation at the beginning of the 2025-26 school year.

Applicable Law

Federal regulations at 34 C.F.R. 300.303(a) require public agencies to ensure that a reevaluation of each child with a disability is conducted If the public agency determines that the educational or related service needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or if the child's parent or teacher requests a reevaluation.

Chapter 7-Reevaluation, Section B in The Kansas Special Education Process Handbook states:

If a parent requests a reevaluation, or more than one reevaluation per year, and the school disagrees that a reevaluation is needed, the school must provide Prior Written Notice to the parent that explains, among other things, why the school refuses to do the reevaluation and the parent's right to pursue the reevaluation through mediation or due process.

Federal regulations at 34 C.F.R. 300.503(a) require school districts to provide parents with prior written notice a reasonable time before they propose or refuse to initiate or change the identification, evaluation, educational placement, or the provision of FAPE to the student.

Federal regulations at 34 C.F.R. 300.15 define the term "Evaluation" as meaning procedures conducted in accordance with federal regulations at 34 C.F.R. 300.304 through 300.11 [the IDEA Evaluation Procedures] to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs.

Federal regulations at 34 C.F.R. 300.302 state that the screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services.

Federal regulations at 34 C.F.R. 300.300(d) states that parental consent is not required before reviewing existing data as part of an evaluation or a reevaluation; or administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.

Parent Position

The father reported he requested a reevaluation of the student, specifically for occupational therapy (OT) and speech/language therapy (SLT) on June 19, 2025. He stated that, on August 19, 2025, the TLEC School Psychologist indicated that the beginning of the year is a busy time so, at this time, the evaluation is denied. The TLEC School Psychologist stated they would have

screeners done to determine if the student needed an evaluation for OT or SLT as related services.

LEA Position

The LEA reported the student's most recent reevaluation was conducted on February 5, 2024 without additional assessment. At that time, the multidisciplinary team determined the student continued to be a child with a disability and in need of continued special education and related services under the IDEA category of Autism. The LEA acknowledged that parent made a request for a reevaluation of the student on June 19, 2025 to determine the need for OT and SLT as related services. The TLEC School Psychologist followed district procedures and responded to this request when school started since the request was made while the LEA was not in session for the summer. The first day of school was August 15, 2025 and the prior written notice (PWN) was provided to the father on August 19, 2025 refusing to conduct a reevaluation of the student and explaining why an evaluation was not warranted at this time.

Analysis: Findings of Fact

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

1. On June 19, 2025, the father requested OT and SLT evaluations to determine if the student needs these related services.
2. On August 18, 2025, the TLEC School Psychologist responded to the father's request for a reevaluation of the student in an email stating, "... The beginning of the year is a busy time for our service providers, and I have a specific timeline in which I have to reply to your request for an evaluation, so at this time, I'm denying your request for an evaluation. However, I will be having our speech and occupational therapists screen the student to determine if there is a need for an evaluation . . . Once I hear from OT and speech about their screening data and whether or not they feel an evaluation is warranted, I'll let you know".
3. On August 18, 2025 the father was provided with a PWN refusing to conduct an evaluation of the student noting that parent consent was not required. The August 18, 2025 version of the PWN stated the reason the request for an evaluation of the student was refused was "The evaluation is being refused at this time, however, speech and OT will be screening to determine if there is a need for an initial evaluation in those areas. Based on available data, an evaluation is not warranted at this time". The PWN indicates conducting the evaluation as requested by the father was considered but rejected because "screening data is needed to determine the need for a comprehensive evaluation". Other Factors Considered Relevant to the Refused Actions state "Screening data will be gathered to determine the need for an evaluation".
4. The father sent an email that same day to the TLEC School Psychologist indicating that the PWN did not include a clear explanation of the refusal, the data used to make that determination, and the options considered and rejected. The father also stated that

screenings cannot be used to delay or deny the evaluation process once a parent has requested an evaluation. He indicated that screening can be included as part of the evaluation process but they cannot replace it.

5. On August 19, 2025, the TLEC School Psychologist responded to the father by providing an updated version of the PWN. She also stated, "I understand that screening do not take the place of an evaluation, but it allows the providers to determine if an in-depth evaluation is necessary. At this time, a evaluation is not supported by the data we have based on why related services are provided. Related services are provided to ensure a student is benefitting from their special education services".
6. On August 19, 2025, the parent was provided with a second version of the PWN which was much more complete and descriptive. The Explanation of Why the Action was Refused stated "The evaluation is being refused at this time, however, speech and OT will be screening to determine if there is a need for an initial evaluation in those areas. Based on previous IEP goals and progress towards those goals with his current special education services without support of speech and OT services, an evaluation is not warranted at this time". The PWN indicates conducting the evaluation as requested by the father was considered but rejected because "screening data is needed to determine the need for a comprehensive evaluation". Other Factors Considered Relevant to the Refused Actions state "Screening data will be gathered to determine the need for an evaluation or if related services are necessary for the student to continue benefiting from his special education services and making progress toward his goals. The psychological evaluation was reviewed and considered in the making of this determination and completing screenings was found to be the best way to proceed at this time".

Conclusion

IDEA requires that public agencies respond to parent requests for a reevaluation by either providing the parents with PWN proposing or refusing to conduct the requested evaluation of the child.

In this case, the parent requested a reevaluation of the student on June 19, 2025 when school was not in session. The LEA responded to that request on August 19, 2025 by issuing a finalized version of a PWN refusing to conduct the reevaluation when school resumed. However, this PWN included a statement that "Screening data will be gathered to determine the need for an evaluation or if related services are necessary for the student to continue benefiting from his special education services and making progress toward his goals".

The IDEA defines an "evaluation" as any procedure procedures conducted in accordance with federal regulations at 34 C.F.R. 300.304 through 300.11 [the IDEA Evaluation Procedures] to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs. The IDEA requires public agencies to provide parents with prior written notice a reasonable time before they propose or refuse to initiate or change the identification, evaluation, educational placement, or the provision of FAPE to the student.

The IDEA describes three circumstances when public agencies are not required to provide PWN and obtain parent consent for an evaluation. First, parental consent is not required before reviewing existing data as part of an evaluation or a reevaluation. Second, when administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children. Third, when the screening of a student by a teacher or specialist is conducted to determine the appropriate instructional strategies for curriculum implementation.

In this case, the screening being proposed by the LEA in the August 19, 2025 PWN meets the IDEA's definition of an "evaluation" because the screening is being conducted to "determine if related services are necessary for the student to continue benefiting from his special education services and making progress towards his IEP goals". As such, the LEA is required to provide the father with a PWN proposing to conduct the screening and to obtain written consent prior to the screenings being conducted.

Based on the foregoing, it is found that the *LEA is OUT of compliance* and corrective actions are required.

Issue Nine

USD #378, in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), failed to provide the parent with appropriate prior written notice (PWN) during the 2024-25 school year, specifically by not describing the options considered and why rejected.

Applicable Law

Federal regulations at 34 C.F.R. 300.503(a) require public agencies to provide parents with prior written notice a reasonable time before they propose or refuse to initiate or change the identification, evaluation, educational placement, or the provision of FAPE (free appropriate public education) to the student.

In addition, Kansas state regulations at K.A.R. 91-40-27(a)(3) require school districts to obtain parent consent before making a material change in services or a substantial change in placement. "Material change in services" is defined at K.A.R. 91-40-1(mm) as an increase or decrease of 25% or more of the frequency or duration of a special education service, related service, or supplementary aid or service specified in the child's IEP. "Substantial change in placement" is defined at K.A.R. 91-40-1(sss) as the movement of an exceptional child for more than 25% of the child's school day from a less restrictive environment to a more restrictive environment or from a more restrictive environment to a less restrictive environment.

Federal regulations at 34 C.F.R. 300.503(b) require the prior written notice to include 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 regarding prior written notice and consent; 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 father reports the LEA has repeatedly provided prior written notices which do not clearly explain the actions being proposed or refused by the public agency during the past 12 months. When this happens, he contacts the special education teacher and school administrators and requests for corrections to be made. He indicated the PWN dated September 27, 2024 did not fully describe all the ideas that were considered and rejected. After the father contacted the LEA, the PWN was updated to meet the requirements of the IDEA.

The father also reported that the PWN dated August 18, 2025 refusing to provide the requested evaluation was vague and did not fully explain why his request was being refused. This PWN lacked a description of the data that it referenced. The father emailed concerns about the PWN and refusal to evaluation. The psychologist provided the parent with an updated PWN along with copies of nine progress reports and a parent-supplied psychological evaluation and stated in her email that the student was making "great progress."

LEA Position

The IEP team met on September 18, 2024 to discuss proposed changes from the father and stepmother. At that meeting, the father shared a 36-page document including proposals for amendment of the student's IEP. The IEP team had a robust discussion, which resulted in several amendments being made to the IEP and a PWN was issued on September 18, 2024 which summarized the changes to the student's IEP at that time. The father pointed out what he viewed as inaccuracies in the PWN he received. Parents do not have a right to micro-manage PWNs issued by a school district. Nevertheless, the father's proposed "inaccuracies" were compared to the September 18, 2024 meeting notes and, while the LEA did not regard the father's proposed changes as necessary, the team made a few language changes to try to cooperate with the father and amended the September 18, 2024 PWN.

However, the LEA did not make all of the Father's requested changes. For instance, the PWN was not required to list all of the goals proposed by the father and stepmother because parents do not consent to specific goals; rather, they consent to services. Regardless, the father doesn't claim any confusion or harm to the student's education based on the alleged

“inaccuracies” in the original or amended September 18, 2024 PWN. Therefore, there is no basis for any corrective action related to this PWN.

Analysis: Findings of Fact

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

1. The finding from ISSUE FOUR, Number 5 is incorporated herein as follows:
The parents were not provided with prior written notice corresponding to the material change of services and the significant change of placement proposed in the IEP amendment resulting from the August 14, 2024 IEP team meeting, which proposed changes in special education services as well as a shortened school day every other week due to transportation as a related service.
2. The findings from ISSUE EIGHT, Numbers 3-8 are incorporated herein as follows:
The father was provided with two versions of the PWN responding to the request for a reevaluation of the student on June 19, 2025. The second version included more specific explanations and description of the action refused, the options considered, the description of the data used as the basis for the decision, and other relevant factors.
3. The parent was provided with two versions of the PWN resulting from the September 18, 2024 IEP team meeting. The second version included more specific explanations and description of the action refused, the options considered, the description of the data used as the basis for the decision, and other relevant factors.

Conclusion

IDEA requires public agencies to provide parents with prior written notice a reasonable time before they propose or refuse to initiate or change the identification, evaluation, educational placement, or the provision of FAPE (free appropriate public education) to the student. In addition, Kansas regulations require public agencies to obtain parent consent before making a material change in services or a substantial change in placement.

This prior written notice must include 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 regarding prior written notice and consent; 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.

In this case, the LEA initially failed to provide the father with appropriate PWN following the September 18, 2024 IEP team meeting and when responding to the father's request for a

reevaluation of the student on June 19, 2025. Once the parent contacted the LEA regarding the vagueness of these two initial PWNs, the LEA updated and re-issued each of the PWN to include more specific information and clearer explanations of the actions proposed or refused. In addition, the LEA failed to provide the father with a PWN on August 14, 2024 for a change of services and placement resulting in a shortened school day due to adding transportation as a related service to the student's IEP.

Based on the foregoing, it is found the *district is OUT of compliance* and corrective actions are required.

Summary of Conclusions/Corrective Action

1. ISSUE ONE: The LEA was found to be in compliance with the requirements at 34 C.F.R. 300.320(a)(4) and 300.323(c)(2) which require that the IEP include a statement of special education services to be provided to the student and for those services to be provided as described in the student's IEP.
2. ISSUE TWO: A violation of 34 C.F.R. 300.323(c)(2) which requires school districts to ensure that as soon as possible following the development of the IEP, special education and related services are made available to the child in accordance with the child's IEP was found. In this case, the IEPs in effect during the 2024-25 school year included behavior intervention plans (BIPs) that are required to be implemented as written. While documentation and interviews found the father's initial allegation regarding daily reporting was not included in the BIP, other reporting requirements to the parents were not consistently being provided as required.
 - a. The LEA will contact TASN and arrange for training for special education teachers at Riley County High School to receive training on data collection methods and the requirement to implement IEPs, including BIPs, as written. The LEA will provide SETS with a sign-in sheet showing who was trained as well as a copy of the training documents no later than the end of the first semester of the 2025-26 school year.
 - b. The Administration from TLEC will meet with the 10th grade High School Teacher at least monthly to ensure data is being collected as required by the student's BIP and that parents are being provided copies of any ABC charts as required by the BIP during the remainder of the 2025-26 school year. TLEC will provide SETS with documentation of these meetings, the outcomes, as well as re-training efforts, if appropriate, no later than June 30, 2026.
3. ISSUE THREE: The LEA was found to be in compliance with the requirements at 34 C.F.R. 300.320(a)(2) which require that , beginning not later than the first IEP to be in effect when the student turns 16 and updated annually, school districts must develop IEPs that include 1) appropriate measurable post-secondary goals based on age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills, and 2) transition services, including a course of study, needed to assist the student in reaching those goals.

4. ISSUE FOUR: The LEA was found to be in compliance with the requirements at 34 C.F.R. 300.320(a)(4) and 300.34(a) which require public agencies to include a statement of the special education and related services, including transportation as a related service, to be provided to the student or on behalf of the student in order for that student to benefit from their special education services.
5. ISSUE FIVE: The LEA was found to be in compliance with the requirements at 34 C.F.R. 300.320(a)(3) which require public agencies to include a statement in each IEP describing how the child's progress toward meeting the annual goals will be measured; and when periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.
6. ISSUE SIX: The LEA was found to be in compliance with the requirements at 34 C.F.R. 300.106(b) which require that the IEP team must consider the need for extended school year services in order to provide a free appropriate public education (FAPE) to each student with a disability.
7. ISSUE SEVEN: The LEA was found to be in compliance with the requirements at 34 C.F.R. 300.324(b)(1) which require public agencies to ensure that each child's IEP is reviewed and revised, as appropriate, to address information about the child provided to, or by, the parents as well as at 34 C.F.R. 300.322(a) which require public agencies to take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and scheduling the meeting at a mutually agreed on time and place.
8. ISSUE EIGHT: A violation of 34 CFR 300.503(a) requiring school districts to provide parents with prior written notice a reasonable time before they propose or refuse to initiate or change the identification, evaluation, educational placement, or the provision of FAPE to the student was found. In this case, the LEA refused to conduct an evaluation of the student at the same time as proposing to conduct screenings for OT and SLT to determine the need for related services for the student. The screening being proposed by the LEA meets the definition of an "evaluation" under the IDEA and requires parent consent. However, the LEA did not obtain consent from the parent prior to conducting these screenings.
 - a. The LEA will review and revise, as appropriate, their policies, procedures and practices regarding obtaining parent consent when conducting screenings. TLEC will provide in-service training regarding the policies and procedures to all school psychologists and related services providers employed at TLEC no later than the end of November 2025. TLEC will provide SETS with a sign-in sheet showing who attended the in-services as well as a copy of the training documents no later than the end of the first semester of the 2025-26 school year.
9. ISSUE NINE: A violation of 34 CFR 300.503 (a, b) was found. These regulations require public agencies to provide parents with prior written notice a reasonable time before they propose or refuse to initiate or change the identification, evaluation, educational

placement, or the provision of FAPE (free appropriate public education) to the student by including 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 regarding prior written notice and consent; 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. It is also noted that K.A.R. 91-40-27(a)(3) requires public agencies to obtain parent consent for any material change of services and/or a substantial change of placement.

- a. The LEA will contact TASN and arrange for training for special education staff working at Riley County High School in the LEA to receive training on when and how to provide appropriate PWN to parents. The LEA will provide SETS with a sign-in sheet showing who was trained as well as a copy of the training documents no later than the end of the first semester of the 2025-26 school year.
- b. The Administration from TLEC will conduct an internal review of at least two PWNs for each of the special education teachers at Riley County High School to monitor for compliance in regards initially providing parents with appropriate PWN which document and clearly explain the decisions made at made at IEP team meetings during the 2025-26 school year. TLEC will provide SETS with documentation of these reviews, the outcomes, as well as re-training efforts, if appropriate, no later than the end of the fourth quarter of the 2025-26 school year.

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)