KANSAS STATE DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND TITLE SERVICES

REPORT OF COMPLAINT
FILED AGAINST
UNIFIED SCHOOL DISTRICT #465
ON JULY 16, 2026

DATE OF REPORT: AUGUST 14, 2026

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

The Complaint is against USD 465, Country View Elementary. In the remainder of the report, "School" and the "local education agency ("LEA")" shall refer to USD 465.

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

The Kansas State Department of Education ("KSDE") allows for a 30-day timeline to investigate a child complaint. A complaint is considered to be filed on the date it is delivered to both KSDE and the LEA. In this case, KSDE initially received the complaint on July 16, 2026, and the 30-day timeline ends on August 15, 2026.

I. Issues Presented

Whether USD 465 complied with the confidentiality requirements of the Individuals with Disabilities Education Act ("IDEA") when, following the July 13, 2026 Board meeting, a member of the USD 465 Board of Education ("Board") allegedly disclosed to another parent information identifying the Student as a fifth-grade student with special needs who had moved or would be moving to El Dorado and would no longer qualify for services through the Cowley County Special Services Cooperative ("Cooperative")? K.A.R. 91-40-50; 34 C.F.R. §§ 300.610, 300.622.

II. Evidence Reviewed

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

1. Formal Complaint Request Form submitted by the Parent on July 16, 2026.

2. Interview of the Parent on July 23, 2026 via videoconference.
3. Interview of the LEA, Director of the Cooperative, on July 31, 2026 via videoconference.
4. Email dated July 13, 2026 with the subject "Complaint Related to Child Services Removal Accusation" submitted by the Parent.
5. Email dated July 15, 2026 regarding the Parent's Kansas Open Records Act ("KORA") request and USD 465's July 16, 2026 response submitted by the Parent.
6. Video footage submitted by the Parent relating to his allegation that a vehicle he identified as associated with the Board president was present near his residence following the July 13, 2026 Board meeting.
7. USD 465 Board of Education Meeting Minutes for the July 13, 2026 Board meeting submitted by the LEA.
8. USD 465 Board Policy, Section IDAE – Student Privacy Policy, addressing disclosure of student record information and personally identifiable student data.
9. USD 465 Board Policy JR, Section JRA – Student Records, Types of Records, identifying categories of information maintained in student records, including administrative and supplementary records.
10. USD 465 Board Policy JR, Section JRB – Student Records, Release of Student Records, providing that individual student files are not available for public inspection and governing disclosure of education records.
11. USD 465 Board Policy JR, Section JRB – Release of Student Records, addressing disclosure of personally identifiable information to school officials with legitimate educational interests.
12. USD 465 Policy JR, Section JRB – Release of Student Records, restricting disclosure of personally identifiable information contained in student records to authorized persons and addressing documentation of access to such records.

III. Findings of Fact

The Student attended Country View Elementary School within USD 465 and is a student with a disability. The Parent identified the Student as having Trisomy 21 on the complaint form and confirmed during his July 23rd interview that the Student has Down syndrome.

On July 13, 2026, the USD 465 Board of Education considered a recommendation to transition Country View Elementary from a K-5 to a K-4 attendance center beginning with the 2026-27 school year. The Board meeting minutes reflect projected enrollment of nine fifth-grade students, an elementary teacher shortage, higher per-student costs at Country View, and related staffing considerations. Three community members addressed the Board concerning the proposed change. The Board meeting minutes do not identify the speakers by name or identify any individual student as having a disability or receiving special education services.

During his interview, the Parent confirmed that he attended the July 13, 2026 Board meeting and spoke about the proposed fifth-grade change and its impact on his family. The Parent

stated that he did not identify himself by name, identify his child, or otherwise formally identify his family during his comments. He indicated, however, that many people in the community already knew his family and their circumstances. The Parent further stated that after the July 13, 2026 Board meeting, another parent received an electronic message from a member of the USD 465 Board of Education regarding a fifth-grade student at Country View. The Parent stated that he personally viewed the message. According to the Parent, the message referred to a fifth-grade student with special needs and stated that the student had moved or would be moving to El Dorado and therefore would not qualify for services through the Cooperative.

The Parent understood the communication to concern his son. He explained that he had accepted a promotion involving employment in El Dorado but that his family continued to reside in Winfield. He therefore disputed the statement that the Student had moved outside USD 465. The Parent believed that the reference to a fifth-grade student with special needs, together with the information concerning El Dorado, identified his son. The Parent did not provide a copy of the electronic communication. He explained that another parent received the message and did not wish to be identified or involved in the complaint. The Parent requested that the other parent's identity remain confidential. As a result, the investigation could not independently review the precise wording, sender information, or complete context of the reported communication.

The Parent also reported that following the July 13, 2026 Board meeting, the Board president drove through his residential neighborhood and past or near his residence on more than one occasion. The Parent described the neighborhood as rural and away from main roads and believed the conduct was related to an effort to determine whether his family continued to reside within USD 465. The Parent submitted video footage depicting a vehicle in the vicinity of his residence that he identified as associated with the Board president.

On July 15, 2026, the Parent submitted a request to USD 465 under KORA seeking records related to fifth-grade enrollment at the LEA, information concerning whether a special-needs student resided outside the District or would not qualify for Cooperative services, records reflecting access to the Student's files, and communications concerning Board members driving near the family's residence. In its July 16, 2026 response, the District stated that no records existed concerning a special-needs student not residing in the District or living outside the District. The District also stated that the PowerSchool system confirms changes to student records rather than access to records and that no change records existed. With respect to the requested Board-member communications, the District stated that communications between an individual Board member and a patron were not considered open records under KORA and would not be provided to the Parent.

During his July 31st interview, the LEA stated that the fifth-grade classroom had approximately nine students and estimated that approximately three or four students may have received special education services. He was unable to confirm the precise number. The LEA stated that

the Cooperative did not provide members of the Board with personally identifiable information concerning students receiving special education services in the fifth-grade classroom. He explained that information shared concerning special education participation would generally consist of aggregate or statistical information rather than information identifying an individual student.

The LEA explained that the Board's involvement with the Cooperative is principally related to USD 465 serving as the host district and that Board members do not have direct involvement in the Cooperative's specific special education programs and instruction. The LEA stated that he had been informed that the Parent had attended the July 13th Board meeting with his son and identified himself as the parent of a child attending Country View. The LEA was not present at the Board meeting and acknowledged that this information was relayed to him after the fact. The investigation did not establish which of the Parent's children attended the relevant meeting.

The LEA stated that, to his knowledge, school administrators had not raised concerns regarding the Student's residency. USD 465 expected the Student to reenroll, and the LEA was unaware of a District investigation concerning whether the Student continued to reside within District boundaries. He did not identify any District or Cooperative employee who provided information concerning the Student's disability, special education status, or residency to a Board member and was unaware of any request from a Board member for such information.

IV. Analysis and Finding

The issue is whether USD 465 complied with IDEA's confidentiality requirements in connection with the alleged disclosure by a member of the Board of Education to another parent. The IDEA and Kansas special education regulations require participating agencies to protect the confidentiality of personally identifiable information contained in education records and other information collected, maintained, or used under the IDEA. K.A.R. 91-40-50; 34 C.F.R. §§ 300.610, 300.622.

The Parent's account raises a legitimate confidentiality question. He reported personally viewing a Board member's message sent to another parent after the July 13, 2026 Board meeting referring to a fifth-grade student with special needs who had moved or would be moving to El Dorado and would therefore not qualify for Cooperative services. In a class of approximately nine students, with approximately three or four students estimated to receive special education services, the combination of the Student's grade, special-needs status, and the reported El Dorado information could make the Student identifiable to a person familiar with the family. The fact that the Student was not reportedly identified by name therefore does not, by itself, resolve whether the information was personally identifiable. See 34 C.F.R. § 300.32. Consistent with that concern, in responding to the Parent's KORA request, USD 465 treated information concerning the fifth-grade class as personally identifiable because the

relevant data set contained fewer than ten students and redacted information concerning other students.

The investigation must also determine whether the reported disclosure involved personally identifiable information from an education record or information collected, maintained, or used by the public agency under IDEA. This distinction is significant. Information that a Board member learned independently through public observation, a parent's own statements, community discussion, or another non-record source would not become an unauthorized disclosure of information from an education record merely because the same or similar information might also exist in District records.

The evidence does not establish the source from which the Board member obtained the information reported by the Parent. Although the Parent reported that the communication occurred after the July 13th Board meeting, the timing alone does not establish that the information originated from the meeting or from a District-maintained education record. The LEA stated that neither he nor his office provided the Board with personally identifiable information concerning the Student and that his office received no Board request for such information. The LEA explained that information provided by the Cooperative regarding students receiving special education services would generally be limited to aggregate or statistical information. The July 13th Board meeting minutes document enrollment and operational information but do not identify the Student, disclose an individual student's special education status, or state that the Student or his family was leaving the District. Similarly, in response to the Parent's July 15th KORA request, USD 465 reported that no records existed reflecting that a special-needs student did not reside in the District or lived outside the District. The District separately stated that communications between an individual Board member and a patron were not considered open records under KORA and would not be provided. Accordingly, the KORA response does not independently establish the contents of the communication reported by the Parent, and the available evidence does not otherwise identify a District or Cooperative record or disclosure as the source of the information reportedly communicated by the Board member.

The District's policies are consistent with these confidentiality requirements. USD 465 Board Policy, Section IDAE – Student Privacy Policy provides that disclosure of student record information maintained by the District is governed by the Family Educational Rights and Privacy Act ("FERPA") and restricts disclosure of personally identifiable student data without written consent, subject to authorized exceptions. USD 465 Policy JR, Section JRA – Types of Records identifies information maintained in student records, including parental addresses and places of employment as administrative records and health data and family background information as supplementary records. USD 465 Policy JR, Section JRB – Release of Student Records provides that individual student files are not available for public inspection and permits disclosure of personally identifiable information without parental consent to school officials

with a legitimate educational interest. It includes the Board of Education, when acting in executive session, within the definition of a school official and defines legitimate educational interest as the need to review an education record to fulfill an official's professional responsibility.

The evidence does not establish that the other parent who allegedly received the communication was authorized to receive protected information concerning the Student. If a Board member obtained protected student information through official access to education records and then disclosed that information to another parent without authorization, such conduct would present a confidentiality concern. See K.A.R. 91-40-50(b); 34 C.F.R. § 300.622. The evidence, however, does not establish that the Board member obtained the information through official access to the Student's education records or other protected District or Cooperative information.

The Parent's evidence concerning the Board president's presence near the family residence supports the Parent's belief that the Board president may have been interested in the family's residency. It does not establish that the Board president accessed an education record, received protected information from District or Cooperative personnel, or derived the reported residency information from a record maintained by the District. The Parent's attendance and comments at the July 13th Board meeting also present a possible non-record source of information about his family's connection to the Cooperative. Although the Parent stated that he did not identify himself, his child, or his family during his comments, he acknowledged that many people in the community already knew his family and their circumstances. The LEA separately reported being told that the Parent attended the meeting with a son. The investigation did not establish which child attended the meeting.

The Parent stated that he worked in El Dorado but continued to reside in Winfield. The LEA similarly stated that school administrators had not raised residency concerns and that the LEA expected the Student to re-enroll. The reported statement that the Student had moved outside the District was therefore inconsistent with the information provided by both the Parent and the LEA. The record does not establish that the reported residency information originated from an official District determination or education record.

V. Determination

The investigation considered the Parent's account that he personally viewed a communication from a Board member sent to another parent after the July 13th Board meeting referring to a fifth-grade student with special needs. The evidence also establishes circumstances under which the description could potentially identify the Student to a person familiar with the circumstances. The separate and dispositive question is whether the allegedly disclosed information was obtained through access to protected student information.

The available evidence does not establish that the Board member obtained the information from the Student's education records, from the Cooperative, or through official access to confidential student information. The evidence concerning the vehicle's presence near the Parent's residence also does not establish that connection.

Accordingly, the evidence does not establish that the reported disclosure to another parent constituted an unauthorized disclosure of protected student information attributable to USD 465 in violation of the IDEA's confidentiality requirements.

Finding: Compliant

VI. Corrective Action

None required.

Destruction of Records

In compliance with federal regulations, at 34 C.F.R. 300.624, notice is provided to both parties that, within 60 days of the date of a final decision, any personally identifiable information of any student obtained by the investigator in this investigation will be considered no longer needed to provide educational services to any such student and may be destroyed by the investigator. Any personally identifiable information regarding this complaint held by the Kansas State Department of Education will be deemed no longer needed to provide educational services to the above-named student six years after the date of the final decision and may be destroyed by the department at that time. After expiration of these timelines, a parent may request destruction of the information obtained in this complaint. If such a request is made, the information will be destroyed.

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)