KANSAS STATE DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND TITLE SERVICES

REPORT OF COMPLAINT
FILED AGAINST
UNIFIED SCHOOL DISTRICT #501
ON JULY 17, 2026

DATE OF REPORT: AUGUST 17, 2026

This report is in response to a complaint filed with the Kansas State Department of Education on behalf of ------- by his parent, -------. In the remainder of the report ------- will be referred to as "the student" and ------- will be referred to as the "complainant" or "the parent".

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 #501 (Topeka Public Schools) which contracts with staff to meet the requirements of the IDEA. This responsible public agency will be referred to as "the local education agency (LEA)" In the remainder of the report.

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

- Donna Whiteman, LEA General Counsel
- John Buckendorff, Topeka West High School (TWHS) Principal
- Mike Lowers, Current Director of Special Education
- Billie Zabokrtsky-Wallace, Associate Superintendent
- Levi Overman, Special Education Teacher
- Beau Caryl, TWHS Assistant Principal
- Kenton Noonan, TWHS Consulting Special Education Teacher
- LLoyd Swartz, KSDE Mediator
- Jennifer Harrington, Previous Director of Special Education
- Randy Wild, Lead Special Education Principal
- Elena Lincoln, Mediator hired by the LEA

The Kansas State Department of Education (KSDE) allows for a 60-day timeline to investigate a complaint and allow for an appeal process from the date on which it was filed. A complaint is considered filed on the date on which it was received by KSDE and the LEA. In this case, July 17, 2026 is considered as the date the complaint was filed.

Evidence Reviewed

The complainant was interviewed by telephone on August 4, 2026 during the investigation process. The LEA provided responses to written clarification questions on August 6 and August 11, 2026

In completing this investigation, the Investigator reviewed written documentation provided by both the complainant and the LEA. The following materials were used as the basis of the findings and conclusions of the investigation:

1. Office of Civil Rights Resolution Agreement dated February 28, 2023
2. Jones' Communication Log dated between August 23, 2023 through March 25, 2024
3. Evaluation / Eligibility Report dated November 10, 2023
4. Individualized Education Program (IEP) dated December 11, 2023
5. Prior Written Notice (PWN) for Initial Services, Placement, Changes in Services, Change in Placement, and Request for Consent dated December 15, 2023, signed by the parent on January 20, 2024
6. Draft Plan for Schedule and Staff for the 2024-25 school year (undated)
7. Student 8th grade class schedule for the 2024-25 school year
8. Return to School Plan dated January 17, 2025
9. Notice of Meeting dated January 31, 2025 scheduling an IEP Team meeting for March 4, 2025
10. Notice of Meeting dated March 5, 2025 scheduling an IEP Team meeting for March 7, 2025
11. Email dated April 1, 2025 at 4:20 PM written by the Previous Director of Special Education to the parent and the Special Education Teacher, the TWHS Assistant Principal, and the Mediator
12. Notes from the April 2, 2025 Mediation Meeting
13. IEP dated April 15, 2025
14. PWN for Initial Services, Placement, Change in Services, Change in Placement, and Request for Consent dated April 15, 2025
15. Email dated May 12, 2025 at 9:36 AM written by the parent to KSDE withdrawing the child complaint
16. IEP Amendment dated June 24, 2025 signed by the parent on June 27, 2025
17. PWN for Initial Services, Placement, Changes in Services, Change in Placement, and Request for Consent dated June 24, 2025
18. Email dated June 24, 2025 at 2:02 PM written by the Former Special Education Director to the parent and the TWHS IEP Team
19. The April 15, 2025 IEP with handwritten note at the top of the first page stating "Beginning of Year IEP Meeting 25-26 School Year 8/20/25"
20. Student 9th grade class schedule for the 2025-26 year

21. Email dated March 4, 2026 at 10:52 AM written by the parent to the Associate Superintendent
22. Email dated March 5, 2026 at 12:31 PM written by the Associate Superintendent to the parent
23. Email dated March 5, 2026 at 1:31 PM written by the parent to the TWHS Principal
24. Email dated March 5, 2026 at 3:08 PM written by the Associate Superintendent to the parent
25. Email dated March 5, 2026 at 3:27 PM written by the TWHS Principal to the parent
26. Notice of Meeting dated March 31, 2026 for IEP Team meeting scheduled for April 14, 2026
27. Draft IEP dated April 2, 2026
28. Proposed Support Plan for 2026-27 school year developed by LEA
29. Email dated April 7, 2026 at 1:48 PM written by the parent to the TWHS Consulting Special Education Teacher
30. Email dated April 7, 2026 at 2:18 PM written by the TWHS Consulting Special Education Teacher to the parent
31. Email dated April 7, 2026 at 3:40 PM written by the TWHS Consulting Special Education Teacher to the parent
32. Email dated April 7, 2026 at 3:51 PM written by the parent to the TWHS Consulting Special Education Teacher
33. IEP dated April 14, 2026
34. PWN for Initial Services, Placement, Change in Services, Change in Placement, and Request for Consent dated April 14, 2026
35. IEP Team Meeting Notes dated April 14, 2026 created by the LEA
36. Email dated April 28, 2026 at 10:28 AM written by the parent to the TWHS Assistant Principal and the Special Education Teacher
37. Email dated May 8, 2026 at 2:41 PM written by the Lead Special Education Principal to the parent
38. Email dated May 14, 2026 at 9:52 AM written by the TWHS Consulting Special Education Teacher to the Current Special Education Director
39. Email dated May 19, 2026 at 2:33 PM written by the TWHS Consulting Special Education Teacher to the Current Special Education Director
40. Email dated May 20, 2026 at 1:58 PM written by the TWHS Consulting Special Education Teacher to the Current Special Education Director
41. LEA Response Letter to a previous dismissed child complaint date May 22, 2026 written by the LEA General Counsel
42. LEA Response to the Allegation dated July 28, 2026 written by the LEA General Counsel
43. Chronological Document and Evidence Outline dated August 4, 2026 written by the parent
44. LEA response to clarification questions dated August 6 and August 11, 2026 written by the the Current Special Education Director
45. Chronological Timeline and Exhibit Index dated August 7, 2026 written by the parent

46. Email dated August 10, 2026 at 3:39 PM written by the parent to the TWHS Assistant Principal
47. High School Bell Schedule for USD #501
48. Student Class Schedule for 2026-27 school year

Background Information

The student is 15 years old and was enrolled in the ninth grade at Topeka West High School during the 2025-26 school year receiving special education services and support under the exceptionality categories of Other Health Impaired due to a medical diagnosis of Attention Deficit Hyperactivity Disorder (ADHD) and Emotional Disturbance. The student was initially evaluated during the seventh grade on November 10, 2023 with the initial IEP developed on December 11, 2023. The student has received special education services since that time for specialized instruction in all core academic classes and support for appropriate behavior in the school setting.

There is a history of disputes between the LEA and the parent. The parent has filed complaints with the Office of Civil Rights (OCR) in 2022, 2023 and 2024. A Resolution Agreement dated February 2, 2023 required the LEA to conduct a special education evaluation of the student, provide training to staff regarding the IDEA, and provide tutoring in math and reading. This is the fourth IDEA child complaint filed by the parent on behalf of the student since the 2022-23 school year related to evaluation, eligibility, and discipline as well as the development and implementation of the student's IEP.

Issues Investigated

Based on the written complaint, one issue related to the Individuals with Disabilities Act (IDEA) was identified and investigated.

Issue One

Did USD #501violate state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA) when developing the student's IEP in April 2026?

Applicable Law

Federal regulations at 34 C.F.R. §300.320(a)(1) require the LEA to include a statement of the child's present level of academic achievement and functional performance.

Federal regulations at 34 C.F.R. §300.320(a)(2) require the LEA to include a statement of measurable annual goals, including academic and functional goals designed to meet the child's needs that result from the child's disability; to enable the child to be involved in and make

progress in the general education curriculum; and meet each of the child's other educational needs that result from the child's disability.

Federal regulations at 34 C.F.R. §300.320(a)(3)(ii) require the LEA to include a description of how the child's progress toward meeting the annual goals will be measured.

Federal regulations at 34 C.F.R. §300.320(a)(4) require the LEA to include a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child to 1) advance appropriately toward attaining the annual goals; 2) be involved in and make progress in the general education curriculum and to participate in extracurricular and other nonacademic activities; and 3) be educated and participate with other children with disabilities and nondisabled children.

Federal regulations at 34 C.F.R. §300.323(c)(2) require each public agency 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.

Federal regulations at 34 C.F.R. §300.324(b)(1) require each public agency to review the student's IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved; and revise the IEP, as appropriate, to address any lack of expected progress toward the annual goals and in the general education curriculum; the results of any reevaluation; information about the child provided to, or by, the parents; the child's anticipated needs; or other matters.

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.

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.

Parent Position

In the letter of complaint, the parent alleged that the LEA made changes to the student's special education services based on the LEA's staffing pattern at Topeka West High School instead of the student's needs when developing the IEP on April 14, 2026. The parent reported

the student's special education teacher for the 2025-26 school year resigned and she believes the LEA did not want to hire another special education teacher to work with the student and, for that reason, the LEA will rotate three special education teachers and/or paraprofessionals to work with the student during the 2026-27 school year.

Because she disagreed with the LEA's proposal, the district informed her that the student's special education services would revert back to the special education services described in the most recently signed prior written notice. The parent indicated that the most recently signed prior written notice was dated January 20, 2024. The parent believes the LEA should continue to implement the June 25, 2025 IEP Amendment until the parent and the LEA are able come to an agreement.

Local Education Administration Position

The LEA indicated it has made multiple and ongoing efforts to conduct IEP Team meetings and provide the parent with appropriate prior written notice (PWN) documenting the revisions recommended by the IEP Team during the 2024-25 and the 2025-26 school year. However, the parent has refused to provide her consent for these recommendations and, for this reason, the student continues to receive the same special education services for the past three school years.

The LEA stated the IEP developed at the April 14, 2026 IEP Team meeting and the subsequent PWN were in compliance with all IDEA regulations. The proposed April 14, 2026 IEP included the same services provided during the 2025-26 school year with the only change being the LEA staff assigned to implement the IEP. The parent wants only one certified special education teacher to be assigned to work with the student; however, the LEA believes a rotation of appropriately credentialed staff will be the best way to implement the student's IEP during the 2026-27 school year.

Analysis: Findings of Fact

The following findings of fact are based on interviews, clarifications, and a review of documentation. Please note that federal regulations at 34 C.F.R. § 300.153(c) require that a child complaint must allege a violation of the IDEA that occurred not more than one year prior to the date that the complaint is received and state regulations at K.A.R. 91-40-51(b)(1) limit the scope of an investigation to not more that one year. Please note that findings about the special education process activities that occurred prior to July 17, 2025 are included to provide context as they impact the current special education process..

1. The initial IEP was developed on December 11, 2023 while the student was in the seventh grade at the French Middle School in USD #501. That IEP required 875 minutes per week of special education instruction in the special education setting, 225 minutes per week of special education instruction in the general education setting, transportation as a related service for bussing between the school buildings, and 20 minutes of social work per week in the special education setting.

2. The Description of Specially Designed Instruction and Related Service in the December 11, 2023 IEP stated, "*[The student] will be participating in the Early Transition to High School Pilot Program. He will receive special education services in a special education classroom for Math, Science, and Social Studies. He will participate in general education elective classes. He will receive inclusion support during ELA at French for 45 min per day, 5 days a week. He will receive social work services to work on emotional regulation skills. He will receive transportation services between TWHS and French while in this program*".
3. The LEA provided the parent with a Prior Written Notice dated December 15, 2023 requesting consent for initial special education services. The parent reported she was in agreement with this proposed IEP and provided consent electronically following the IEP Team meeting for the initial special education services. The parent noted that the student was provided the services required by the IEP through the end of seventh grade in the 2023-24 school year.
4. The LEA acknowledged that no annual IEP Team meeting was held on or before December 10, 2024 in order to review and revise the IEP as appropriate. However, a Draft Plan for Schedule and Staff and the student's eighth grade class schedule showed the student continued to receive these same special education services for the 2024-25 school year.
5. A discipline incident occurred during the first semester of the 2024-25 school year at the French Middle School which resulted in the parent choosing to keep the student out of school until a resolution could be reached. The Former Director of Special Education, the parent, and members of the French Middle School met and developed a Return to School Plan dated January 17, 2025 which detailed how any future discipline issues would be handled.
6. The parent filed a child complaint in March 2025 and both parties agreed to stay the investigation in order to participate in mediation and the KSDE Mediator was appointed on March 25, 2025. The LEA also hired a mediator to participate in this process. The parent reported working informally with the KSDE Mediator, the Mediator hired by the LEA, and the Former Director of Special Education in an attempt to reach consensus on key issues.
7. N*otes for the April 2, 2025 Mediation Meeting* show the parent, the Former Special Education Director, the Special Education Teacher, The TWHS Assistant Principal, and the KSDE Mediator participated in the discussions. Key issues addressed were discipline, tutoring, and the schedule for ninth grade. The notes indicated that the student would attend Topeka West High School for the 2025-2026 School year in a sheltered 9th grade program and an IEP Team would be held.
8. The IEP Team met on April 15, 2025 to review and revise the December 11, 2023 IEP, which had been implemented since the second semester of seventh grade.
9. Following the IEP Team meeting, the LEA provided the parent with PWN dated April 15, 2025 proposing to increase the special education instruction in the general education setting from 45 minutes five days per week to 47 minutes five days per week and increasing the special education instruction in the special education setting from 175

minutes five days per week (860 minutes per week) to 1,175 minutes per week as well as reducing the social work services from 20 minutes per week to 0 minutes per week. The parent refused to provide written consent for the material change of services proposed by the LEA.

10. The LEA stated that, because the parent refused to provide consent and in order to finalize the IEP in the computer system, the parent was subsequently provided with another IEP dated April 15, 2025 which included the same amount of special education instruction, and social work as described in the December 11, 2023 IEP.
11. The parent was also provided with a PWN, which did not require parent consent, describing these services and noting the proposed services the parent had refused. The PWN stated that, beginning in the 2025-26 school year for ninth grade, the special education services and social work services remained the same showing the 45 minutes five days per week of special education instruction in the general education setting would be provided during an elective class while the 175 minutes five days per week of special education instruction would be provided during the English/Language Arts, Math, Science, Social Studies, Study Skills, and/or Academic Support classes. Transportation as a related service was removed because the student would be attending TWHS full-time for ninth grade and would not be traveling between the middle and high school buildings..
12. The Former Director of Special Education, the KSDE Mediator, the Mediator hired by the LEA, and the parent continued to collaborate in an effort to reach consensus and, during this process, it was discovered that the LEA did not have a signed copy of the December 15, 2023 PWN granting initial consent for services. The Former Director of Special Education printed a copy of the original document and requested the parent sign and back date the PWN for the file because both the LEA and the parent agreed that the student had been receiving special education services for almost two years at this point. The parent provided the written consent and back-dated the PWN for January 20, 2024.
13. The LEA denies that the December 15, 2023 PWN was misplaced or lost but confirmed that the only PWN signed by the parent is the PWN for initial services back dated to January 20, 2024. When asked why special education services had been provided beginning in December 2023, the Current Special Education Director stated, *"Based on data collection, observations in the classroom, educational need demonstrated in the classroom, the IEP team suspected the student had a disability and provided specialized instruction and services even though the parent had refused to sign documents placing the child officially in services. The team felt it was in the best interest of the student to provide FAPE regardless of whether the parent was willing to sign the paperwork*".
14. Because of the subsequent collaborative efforts, the parent withdrew the child complaint filed with the KSDE on May 12, 2025 with the goal of developing an IEP amendment.
15. An IEP Amendment was developed on June 24, 2025 and agreed to by the parent and the Former Special Education Director. The IEP Amendment Between Annual IEP

Meetings described the proposed changes by stating, "*The team met on 6/24/25 to review these 4 documents. This amendment is to acknowledge the review of the tutoring schedule, the OCR Resolution Agreement, the Return to School Plan and the discipline matrix for Topeka West High School. The IEP team has reviewed these documents and plan to integrate the information into the draft IEP*". The PWN then lists, briefly describes each of these documents, and states that these documents will be upheld by the IEP Team.

16. Also attached to the IEP Amendment was a detailed schedule for summer tutoring and a detailed description of the student's proposed schedule for the 2025-26 school year as noted below:

Proposed Schedule for 2025-2026

Hour	Class	Schedule
1 This is a Special Education Class	Math	Direct instruction in a resource class. [The Special Education Teacher] as the second teacher to allow for removal to small group instruction as needed
2 This is a Special Education Class	Language Arts	Direct instruction in a resource class. [The Special Education Teacher] as the second teacher to allow for removal to small group instruction as needed
3 This is a General Education Class	Science	Inclusion support in a general education class. [The Special Education Teacher] as the second teacher to allow for removal to small group instruction as needed
4 This is a General Education Class	Social Studies	Inclusion support in a general education class. [The Special Education Teacher] as the second teacher to allow for removal to small group instruction as needed
5 This is a Special Education Class	Reading Improvement	Direct instruction in a resource class. [The Special Education Teacher] as the second teacher to allow for removal to small group instruction as needed
6 This is a General Education Class	Academic Support	Within this class he would work on the health units and do physical activity with [The Special Education Teacher] (the gym will probably be open 3rd hour)
7 This is a Special Education Class	Study Skills	Can work on homework from other classes or work on an academic area identified by [the Special Education Teacher] based on skill gaps in core academic classes (tutoring)
Seminar This is a General Education Class	Seminar	[The Special Education Teacher] attends

<u>Monday:</u>

- 168 minutes of Special Education Services in a Special Education Classroom (Class has a Special Education Teacher and/or para. In addition to the classroom teacher, [the Special Education Teacher] in the classroom to support the student.
- 141 minutes of Special Education Services in the General Education Classroom (if the class is co-taught or para-supported, [the Special Education Teacher] is in the classroom for support for this student specifically).
- 31 minutes of Seminar (general education) with [the Special Education Teacher] providing support.

Block Schedule Days (Tuesday - Friday)

- 43 minutes of Seminar (general education) with [the Special Education Teacher] providing support.
- 188 minutes of Special Education Services in a Special Education Classroom (Class has a Special Education Teacher and/or para. In addition to the classroom teacher, [the Special Education Teacher] in the classroom to support the student.
- 142 minutes of Special Education Services in the General Education Classroom (if the class is co-taught or para-supported, [the Special Education Teacher] is in the classroom for support for this student specifically).

17. The IEP Amendment was signed by both the Former Special Education Director and the parent. The parent checked the box indicating there was no need to conduct an IEP Team meeting to discuss the amendment; however, the parent did not check the box indicating that she agreed with the amendment to the IEP. When asked about this, the parent indicated she overlooked the box when completing the paperwork. She also stated that no one from the school contacted her about the omission or to clarify if she was in agreement or not. The parent noted the proposed schedule included with the IEP Amendment was implemented for the student in the ninth grade during the 2025-26 school year and the student was very successful with this level of support, noting "the student was even on the honor roll".
18. The LEA provided the parent with a PWN on June 24, 2025 stating, "The PWN is to acknowledge the review of the tutoring schedule, the OCR Resolution Agreement, the Return to School Plan and the Discipline Matrix for Topeka West High School. The IEP team has reviewed these documents and plan to integrate the information into the draft IEP.
19. The Former Special Education Director sent an email to the parent and the staff at TWHS working with the student on June 24, 2025 at 2:02 PM stating, *"At our meeting today, we went over several documents and finalized the bank of tutoring hours available to [the student] through the mediation agreement and missed school time. We left the proposed TWHS schedule on the sheet and created an amendment (which [the Current Special Education Director} and team were copied on). The IEP team needs to be convened to finalize placement/services for the upcoming school year after July 24th and prior to school starting. My input would be for [the student] to move to 9th grade with his peers and participate in the sheltered program his freshman year. I would also recommend the continuation of Wilsons as that impacts all academic areas for him*".
20. On August 11, 2025, the TWHS Consulting Special Education Teacher sent the parent an updated IEP and PWN which included an increase in the amount of special education services minutes as described in the Proposed Schedule for 2025-26 based on the TWHS Bell Schedule. The LEA reported the parent refused to sign the PWN for the proposed material changes in services.
21. On August 20, 2025, the Summary of Services section of the IEP originally developed on April 15, 2025 was updated to reflect the special education services included in the December 11, 2023 IEP for which the parent had already provided written consent. A

handwritten note stating "B*eginning of Year IEP Meeting 25-26 School Year 8/20/25*" was placed on the top of the first page of the April 15, 2025 IEP. The IEP Team Members section of the IEP was updated to include the docusigned list of LEA staff dated August 20 and 21, 2025; however, the parent did not docusign this IEP.

22. The PWN dated April 15, 2025 was updated to document the special education services proposed by the LEA and the parent's refusal to provide consent for these services. The LEA proposed the same special education services as in the December 11, 2023 IEP for which the parent had already provided written consent thus eliminating the need for consent for a material change in services.
23. The LEA and the parent both indicated that the student's special education services and class schedule in ninth grade during the 2025-26 school year matched the Proposed Schedule for 2025-2026 attached to the IEP Amendment dated June 24, 2025.
24. In early March 2026, the parent was told by the Special Education Teacher that he would not be returning for the 2026-27 school year and about changes in the Special Education Teacher's schedule for the remainder of the current school year. When the parent inquired about these changes, the Associate Superintendent emailed the parent on March 5, 2026 at 12:31 PM stating, "*TWHS has the LEA authority to determine services for [the student] at the building level within the parameters of their resources and staffing . . . It is not necessary to change his morning routine. The change in the staffing schedule is flexible*". The Associate Superintendent also noted the Special Education Teacher was not specifically named in [the student's] IEP because *"changes in personnel often occur that are out of the school's/district's control, like staff leaving to pursue other jobs*".
25. The parent sent an email on the same date at 1:31 PM and included both the Associate Superintendent and the TWHS Principal in the response describing how the Special Education Teacher supported the student throughout the school day and requesting that no changes be made for the remainder of the current school year to keep the support consistent.
26. The TWHS Principal responded to the parent at 3:27 PM on the same day and stated, "*I want to clarify that, given the latitude we have to make adjustments at the building level, Topeka West will keep [the Special Education Teacher] in place working with [the student]. Maintaining consistency for [the student] is important, and we want to ensure his supports remain stable*".
27. The LEA scheduled the student's annual IEP Team meeting for April 14, 2026 and sent the parent a draft IEP dated April 2, 2026 to review. This draft IEP was proposing to increase special education services and provide any additional support through noncertified staff instead of a certified teacher.
28. On April 7, 2026, the parent responded to the TWHS Consulting Special Education Teacher in regard to the draft IEP by sending questions and a screenshot of the Proposed Schedule for 2025-2026 that was included with the June 24, 2025 IEP Amendment.
29. On April 7, 2026 at 3:40 PM, the TWHS Consulting Special Education Teacher responded to the parent via an email stating, "*[The student's] IEP wasn't written for 1 on 1*

support. His IEP was written for 175 minutes of resource support. This support can come from one-on-one assistance with a special education staff member or it can come from classes with a special education teacher . . . It also calls for 45 minutes of inclusion support in 1 elective which can be met with any special education staff member supporting him in an elective. [The Special Education Teacher] has been an additional layer of support (that falls under the minutes already listed since he is an additional special education staff member working with other special education staff members) that isn't outlined in [the student's] IEP. The plan I introduced would be similar in that it is an additional layer of support but I would like to get the plan (once we work out all the kinks) added into the IEP so that it is outlined that he is receiving his services (resource and inclusion) but he's also receiving an additional layer of support inside that support".

30. On April 8, 2026 the TWHS Consulting Special Education Teacher explained what would happen if the parent refused to agree to any proposed changes in the student's IEP in a text to the parent by stating, "*The screenshot that you sent is a copy of the proposed schedule that Topeka West recommended to the staff at French. That doesn't come from his IEP. In terms of services and placement, everything on that list of classes is a "G" resource special education service or placement or a "C" inclusion service or placement. [The Special Education Teacher] is listed as the special education support in the inclusion classes or additional support in the special education classes because he was the personnel we had available. These services can be met with any available special education staffing that the school has available. I do want to point out that I don't believe this is the final schedule that was agreed upon and it isn't the most recent IEP/PWN that you signed. The most recent signed PWN had 175 minutes of special education setting and 45 minutes of special education support in a general education setting. I am attaching the most recent signed PWN that I can locate. If new PWN's [sic] aren't signed, we have to meet the most recent signed PWN*".
31. The IEP Team was scheduled to meet on April 14, 2026 to discuss the draft IEP as well as review and revise the April 15, 2025 IEP as appropriate. However, the parent was unable to attend and rescheduled the meeting for the following day, April 15, 2026.
32. The IEP Team, including the parent, met on April 15, 2026 and updated the present levels of academic and functional performance noting concerns with reading comprehension, writing conventions, and multi-step math computation skills. Communication and motor skills as well as daily living skills were described as commensurate with peers while social/emotional skills also continued to be a concern, specifically being able to ignore the negative and disruptive behaviors of peers. It was noted that "*[the student] needs support from adults in order to be able to manage these distractions in his environment and persevere*". Data from the TPS Social Emotional Skills Monitoring Tool showed the student's emotional regulation fell at 76% as compared to his peers which fell at 78%. The present level stated, *"[The student's] score is comparable to same aged general education peers; however, it is important to note that the student has a very high level of support every day and has a dedicated adult with him during the school day. Our goal would be to see if we can start to pull back on some of this support and maintain a high level of emotional regulation*".

33. The IEP Team developed a reading comprehension goal, a math goal for correctly solving multi-step math problems, and social/emotional goal for "*maintaining his Emotional Regulation at 75% or better as staff start to slowly give him increasing independence in the school setting*". This goal included four quarterly benchmarks; however, each benchmark was the same as the goal. The IEP Team also included a Behavior Intervention Plan (BIP) to support social/emotional skills.
34. The IEP Team proposed providing the following special education services in order for the student to achieve the three identified goals:
    a. 47 minutes five days per week of special education in the general education setting
    b. 282 minutes five days per week of special education in the special education setting
    c. 20 minutes one day per month of social work services in the special education setting
    d. 30 minutes one day per year of special education transition services in the special education setting
    e. The 2025-26 class schedule
        i. Math, ELA, Science Social Studies, Study Skills, and Academic support
    f. The 2026-27 class schedule
        i. Math, ELA, Science, Reading, Study Skills, and 1 elective per semester
35. Following the IEP Team meeting, the LEA provided the parent with an IEP and a PWN dated April 14, 2025 proposing to increase the special education instruction in the general education setting from 45 minutes five days per week to 47 minutes five days per week and increase the special education instruction in the special education setting from 175 minutes five days per week to 282 minutes five days per week, reducing the social work services from 20 minutes per week to 20 minutes per month and adding 30 minutes of transition services one day per school year.
36. The Special Education Teacher called the parent on April 15, 2026 and asked about her signing the IEP after school when she picked up the student. The parent told him that "*she wasn't going to sign the IEP unless they got him a certified staff member to work with him 1:1*".
37. The LEA stated, "*On April 21, 2026, the TWHS Assistant Principal and the Special Education Teacher called the parent about signing the IEP and about reverting it back to the most recently signed IEP if we couldn't get her signature. Mom stated again that she wasn't signing it unless the district supplied him with a dedicated certified staff member that was there to support [the student] and not other students. They told the mom that the school team could meet his needs through the services and the plans in place and would have to revert the minutes back. She stated that she would not sign the IEP*".
38. On April 21, 2025, the Summary of Services section of the IEP originally developed on April 15, 2026 was updated to reflect the special education services included in the December 11, 2023 IEP for which the parent had previously provided written consent

and a handwritten note stating "*Beginning of Year IEP Meeting 26-27 School Year 4/21/25*" was placed on the top of the first page of the April 14, 2026 IEP. The IEP Team Members section of the IEP was updated to include the docusigned list of LEA staff dated April 21 and April 22, 2026; however, the parent did not docusign this IEP.

39. The PWN dated April 14, 2026 was updated to propose the same special education services as described in the December 11, 2023 IEP for which the parent had already provided written consent thus eliminating the need for consent for a material change in services.
40. The PWN dated April 14, 2026 also refused the parent's request for a certified teacher to work with the student by stating, "*Mom has requested a 1:1 certified staff member to work with [the student] at all times during his school day to assist with his academics. The school IEP does not feel like that is needed and feels like they can meet [the student's] needs in resource classes that provides for a special education teacher, but does not provide a 1:1 certified staff member being dedicated solely to [the student]*".
41. On April 28, 2026 at 10:36 AM, the parent sent an email to the TWHS Assistant Principal and the Special Education Teacher stating, "*I want to be clear that I do not agree with any proposed changes that would shift [the student's] support to a rotating or tiered model, or to support provided by paraprofessionals. This is not consistent with what has been implemented or with what was discussed and agreed upon with USD 501. I do not agree with any change that alters the current structure of continuous support from a certified special education teacher. I am also providing this documentation [referencing the attached signed IEP Amendment dated June 24, 2025] in response to the statement that the amendment is not valid due the Prior Written Notice not being signed. The PWN associated with this amendment explicitly states that parent consent was not required. Additionally, the support structure has been implemented throughout the school year, which reflects the district's understanding and acceptance of the plan as developed*".
42. The Lead Special Education Principal responded to the parent in an email dated May 8, 2026 at 2:41PM. The email included detailed descriptions of the student's tenth grade class schedule for specialized instruction in the special education setting for all classes except for one elective where he would be supported by a special education staff person; the names and descriptions of the special education teachers and paraprofessionals scheduled to work with the student in tenth grade; as well as the in-class special education supports, the pull-out special education supports including a break system and learning lab access, and the escort plan for before and after classes. The email indicated this plan would provide 282 minutes of special education services in the special education setting five days per week, 47 minutes of special education services in the general education setting five days per week along with 20 minutes of social work services one day per month and 30 minutes of transition services one day per school year.
43. The May 8, 2026 email also indicated that the student's current IEP developed in April 2026 only provided for special education services in the special education setting for the student's four core classes (175 minutes five days per week) and special education

support services in the general education setting for one elective class (45 minutes five days per week) along with 20 minutes of social work services one day per week.

44. In the May 8, 2026 email, the Lead Special Education Principal explained, "*In April a draft IEP plan was presented to you by the TWHS IEP team, and you do not agree and have not signed the IEP. These details are attached for your review as the IEP team at TWHS feels like this is a great plan that will help support [the student's] growth while keeping some staff members around him that he has worked with during his time at TWHS. With this plan, [the student] would have a certified special education teacher teaching him in a small class setting (typically fewer than 10 students) every hour except 1 when he has his elective choice. We also planned to start the next school year with one of our BASR [Behavior and Academic Support Room] paras supporting him in the same capacity as [the Special Education Teacher] which is currently every hour of the school day. This doesn't change the minutes at all, just an added layer of support we wanted to provide to help [the student] be successful as he starts a new school year . . . If at any time you would like to convene an IEP team meeting please contact us so we can facilitate that process*".
45. On May 19, 2026 at 2:33 PM, the Consulting Special Education Teacher sent an email to the Current Director of Special Education directly responding to the concerns in the Formal Child Complaint filed by the parent on July 17, 2026. This email stated:
    a. *"[The student's] support structure of having a special education staff member with him was because [the parent] had concerns with [the student's] behavior and safety stemming from his time at French Middle School. [The Special Education Teacher] was chosen at this time because he had worked with [the student] the past two years in a transition program to prepare [the student] for High School and because mom was familiar with [the Special Education Teacher]. This support structure was not because of her academic concerns. Her academic concerns were being addressed through tutoring in Reading and History over the summer prior to [the student's] 9th grade year*".
    b. "*[The student] is in resource and general education classes with [the Special Education Teacher] assigned as an additional layer of support. He is not in his English class. He does not sit with [the student], only supports [the student] if [the student] starts to make inappropriate comments, and leaves classes at times throughout the day if [the student] is doing well. [The Special Education Teacher] does provide [the student] with breaks and a place to work outside the classroom if needed. [The Special Education Teacher] does not provide academic instruction in the classes [the student] does in the resource or general education classrooms. [The Special Education Teacher] has missed 45 days of work this year . . . so a good portion of the time, [the student] was receiving support from a substitute teache*r".
    c. "*We have reverted the minutes back to the last signed PWN but plan to continue supporting [the student] with an additional special education staff member like proposed in the unsigned IEP and PWN just as we did this year when she didn't sign the IEP/PWN*".

d. "*[The student's additional layer of support has always been due to behavior, not academics*".

46. On August 10, 2026, the LEA sent the student's tenth grade class schedule to the parent. A comparison of this schedule to the proposed schedule which included the material change of services sent by the Lead Special Education Principal on May 8, 2026 is as follows:

May class	Teacher	Setting	August class	Teacher	Setting
Math Concepts 2	Fulguervas	Sped	Math Concepts 2	Lassiter	Sped
LA 10	Lassiter	Sped	LA 10	Behmke	Sped
Science	Russell	Sped	Physical Science	Russell	Sped
Reading Improvement	Bledsoe	Sped	Reading Improvement	Bledsoe	Sped
Study Skills	Ulsaker or Nehrbass	Sped	Study Skills	Ulsaker	Sped
Current Events	Lindquist or Nehrbass	Sped	Current Events (semester 1)	Nehrbass	Sped
Consumer Skills	Hector or Nehrbass	Sped	Consumer Skills (semester 2)	TBD	Sped
Elective (one each semester)	TBD	Gen Ed	Tech Theater	Province	Gen Ed
			Sophomore Seminar	Hector	Sped

CONCLUSION

The IDEA requires the IEP Team, including the parent, to consider multiple factors when developing an IEP for a student with a disability in order to ensure that the resulting IEP is designed to provide a free appropriate public education (FAPE) to the student. The IDEA also requires the IEP to be reviewed and revised, as appropriate, at least annually.

In this case, the previous IEP Team meeting was held on April 15, 2025. The findings show that the parent attended the IEP Team meeting originally scheduled for April 14, 2026 but not held until April 15, 2026, which is beyond the IDEA's requirement that IEPs be reviewed at least annually. It is also noted that, while outside of the one-year investigation timeframe, every IEP developed for this student did not meet the annual review requirement. The initial IEP was developed on December 11, 2023 and the next IEP was not developed until April 15, 2025. Based on the foregoing the ***LEA is not compliant*** with federal regulations at 34 C.F.R. §300.324(b)(1) and corrective action is required.

The findings show the IEP Team developed a present level of the student's academic and functional performance which identified concerns related to the student's disabilities of Other Health Impaired due to ADHD and Emotional Disturbance. These concerns included academic achievement in the areas of reading comprehension, writing conventions, and multi-step math computation skills. Concerns were also documented for the student's functional performance in the area of emotional regulation skills, specifically being able to ignore the negative and

disruptive behaviors of peers without high levels of special education support in the structured classroom settings as well as in unstructured lunch and transition time before and after school as well as between classes. Based on the foregoing the ***LEA is compliant*** with federal regulations at 34 C.F.R. §300.320(a)(1).

Based on the present level of academic achievement and functional performance, the IEP Team must develop measurable goals for the identified areas of concern resulting from the student's disability and include a description of how the goal will be measured. In this case, the IEP developed goals to address reading comprehension and multi-step math computation skills as well as a goal for emotional regulation.

However, the IEP Team failed to develop a measurable goal to address the identified concerns for writing conventions.

The findings show the IEP goals developed by the IEP team for the areas of reading and math are measurable and include how the goal will be measured; however, the emotional regulation goal is not. While the goal is time bound (*by April 2027*) and includes a level of attainment to measure the goal (*maintain his Emotional Regulation at 75% or better)*, the conditions for measuring the goal are not specific *(as staff start to slowly give him increasing independence in the school setting*).

It is noted that this goal includes four benchmarks; however, these benchmarks are all exactly the same as the annual goal. These quarterly benchmarks could have described what "slowly give him increasing independence" means so the level of attainment could be measured under specific conditions e.g. in 6 of the 7 classes; in 4 of the 7 classes; in 2 of the 7 classes, in 0 of 7 classes. The emotional regulation goal also does not include how the goal will be measured e.g. using the TPS Emotional Regulation Monitoring Tool. Based on the foregoing the ***LEA is not compliant*** with federal regulations at 34 C.F.R. §300.320(a)(2) and 34 C.F.R. §300.320(a)(3)(ii) and corrective action is required.

Based on the measurable goals, the IEP Team determines the type, amount, frequency, duration, and location of the special education services that need to be provided to ensure the student is able to achieve those measurable goals. In this case, the LEA proposed special education services in the general education setting, special education services in the special education setting, social work services, and transition services beginning on April 14 through May 21, 2026 for the end of ninth grade and beginning on August 11, 2026 through April 13, 2027 for the 10th grade.

The findings show those special education services addressed the two academic goals and the social work services addressed the emotional regulation goal along with a behavior intervention plan (BIP). However, there were no special education services or supplementary services identified to provide the *"additional layer of support*", the "v*ery high level of support every day" and the "dedicated adult with him during the school day*" which are described as necessary

for the student to be successful in the present level of academic achievement and functional performance and addressed through an IEP goal. Based on the foregoing the ***LEA is not compliant*** with federal regulations at 34 C.F.R. §300.320(a)(4) and corrective action is required.

The special education services initially proposed this school year following the April 15, 2026 IEP Team meeting would increase the amount of special education services provided to the student by more than 25% because the proposed change in services equals an increase of 535 minutes of special education services from the services required by the previous IEP. This equals a 38% change in services and is considered a material change of services in Kansas. In addition, the change in social work services from weekly to monthly equals a 75% change in services and is also considered a material change of services in Kansas as does the addition of the new transition services which would be considered a 100% change in services.

The LEA provided the parent with PWN proposing to make a material change in the special education services following the April 15, 2026 IEP Team meeting and requesting parent consent for this change. When the parent refused to provide written consent for the proposed material change in services, the LEA provided the parent with a second PWN indicating the special education services from the previous IEP would continue to be provided since the parent had previously provided written consent for those services to be implemented. In this case, those services were initially included in the December 11, 2023 IEP and continued in the April 15, 2025 IEP because the parent had previously provided written consent for those services on January 20, 2024.

The prior school year, the parent and the LEA representative (the Former Special Education Director) had agreed to amend the April 15, 2025 IEP on June 24, 2025 to develop an IEP that incorporated the tutoring schedule, the OCR Resolution Agreement, the Return to School Plan, the Discipline Matrix for TWHS, and the Proposed Schedule for 25-26 prior to the beginning of the 2025-26 school year. Because of the IEP Amendment, the Special Education Teacher created and provided the parent with a draft IEP on August 11, 2025 which included a proposed material change in services in order to provide the special education services described in the Proposed Schedule for 25-26 and deleting the transportation as a related service because the student would no longer be transported between buildings. On that same date, the parent was again provided with a PWN requesting consent for a material change in services in the proposed IEP. However, the parent again refused to provide written consent for the proposed material change in services. On August 20, 2025, the Special Education Teacher updated the services summary section of the April 15, 2025 IEP to reflect the 175 minutes five days per week of special education services in the special education setting, the 45 minutes five days per week of special education services in the general education setting, and the 20 minutes per week of social work services included in the December 11, 2023 IEP as no written consent was required to provide these services since the parent had previously provided written consent on January 20, 2024.

However, the LEA failed to provide and obtain consent from the parent on August 20, 2025 for deleting the transportation as a related service, which equates to a 100% material change in services for the student.

Based on the foregoing, the ***LEA is not compliant*** with following federal regulations implementing the IDEA at 34 C.F.R. §300.503(a) and Kansas regulations at K.A.R. 91-40-27(a)(3).

The IDEA requires the IEP for a student to be implemented as written in order to provide the student with FAPE. In this case, the findings show that the April 15, 2025 IEP was in effect during the 2025-26 school year; however, both the parent and the LEA reported the student's ninth grade class schedule actually matched the Proposed Schedule for 25-26 included in the IEP Amendment. This indicates the IEP was not implemented as written because the student actually received 235 minutes per week of special education services in the general education setting instead of the 225 minutes per week of special education services in the general education setting required by the IEP. In addition, the student actually received 1,175 minutes per week of special education services in the special education setting instead of the 860 minutes per week required by the IEP.

The findings also show that neither the IEP or the Proposed Schedule for 25-26 included the supplementary behavior support services that were actually being provided in all school settings. In regard actual services to be provided during the 2026-27 school year, the TWHS Consulting Special Education Teacher stated, "We have reverted the minutes back to the last signed PWN but plan to continue supporting [the student] with an additional special education staff member like proposed in the unsigned IEP and PWN just as we did this year when she didn't sign the IEP/PWN".

Based on the foregoing the ***LEA is not compliant*** with federal regulations at 34 C.F.R. §300.323(c)(2) and corrective action is required.

It is noted that the findings do not support the parent's allegation that the LEA's staffing pattern is the reason for the proposed change from only one certified staff working with the student to multiple certified and noncertified staff supporting the student's behavior. The findings show that there is an IEP goal to reduce the student's reliance on a 1:1 adult to maintain emotional regulation as well as a finding showing that the Special Education Teacher was absent for 45 school days during the 2025-26 school year and the student worked with substitutes and still scored 76% compared to his peers 78% score on the TPS Emotional Regulation Monitoring Tool. This supports the LEA's position that the student is successful with regulating his emotions with support from a variety of adults. However, as noted previously, this is a moot point because the student's current IEP does not require 1:1 behavior support.

It is also noted that there is a lack of communication and trust between the LEA staff and the parent. It appears the parent and the LEA both want the student to receive the same level of special education services as the student received during the ninth grade in the 2025-26

school year. The LEA has developed a tenth grade class schedule that matches the level of special education services the student received during the ninth grade. The IEP Team, including the parent, need to meet to review the ninth grade schedule and to accurately determine and record the amount of minutes the student was actually receiving in the special education setting and in the general education setting with special education support as well as the amount of time the student has the "layer of support" for behavior based on the TWHS Bell Schedule.

Determining these services together based on the actual class and bell schedules should build understanding of how the minutes are determined as well as a level of trust between the parent and LEA staff.

Finally, although outside of the one year investigation window, documentation was provided showing the LEA provided special education services without obtaining written parent consent for initial services from December 11, 2023 when the initial IEP was developed until March 2025 when the lack of written consent was discovered because the parent filed a child complaint with KSDE. The Current Special Education DIrector stated, "*Based on data collection, observations in the classroom, educational need demonstrated in the classroom, the IEP team suspected the student had a disability and provided specialized instruction and services even though the parent had refused to sign documents placing the child officially in services. The team felt it was in the best interest of the student to provide FAPE regardless of whether the parent was willing to sign the paperwork*".

This situation is in direct conflict with the foundational principal of the IDEA for parent participation and procedural safeguards, specifically prior written notice and consent for initial special education services. The LEA is strongly encouraged to review their practices related to prior written notice for initial special education services with all special education staff to avoid similar situations.

SUMMARY OF CONCLUSIONS/CORRECTIVE ACTION

Issue One: *Did USD #501violate state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA) when developing the student's IEP in April 2026?*

Yes, the LEA did violate federal regulations implementing the Individuals with Disabilities Education Act (IDEA) when developing the student's IEP in April 2026. In addition, this investigation identified additional findings of noncompliance during the previous 12 months which were related to this issue. As such, corrective action is ordered for each of the following findings of noncompliance.

1. Violations of IDEA regulations at 34 C.F.R. §300.324(b)(1) were found when the LEA failed to review and revise the student's IEP, as appropriate, at least annually.

a. No later than September 17, 2026, the LEA will provide SETS with an assurance statement that it will comply with IDEA regulations at 34 C.F.R. §300.324(b)(1) which require each public agency to review and revise a student's IEP, as appropriate, at least annually.

b. No later than September 30, 2026, the LEA and special education administrators for TWHS will develop written guidance for tracking the annual IEP due dates for all students with IEPs in the building. At a minimum, this guidance will include scheduling the annual IEP Team meeting at least 20 calendar days prior to the due date. The LEA will share this guidance document with SETS along with documentation of how and when this guidance was shared with the TWHS special education teachers / case managers no later than October 17, 2026.

2. Violations of IDEA regulations at 34 C.F.R. §300.320(a)(2) and 34 C.F.R. §300.320(a)(3)(ii) were found when the LEA failed to develop measurable annual goals for the identified areas of concern resulting from the student's disability and failed to include a description of how the goal will be measured.

   a. No later than September 17, 2026, the LEA will provide SETS with an assurance statement that it will comply with IDEA regulations at 34 C.F.R. §300.320(a)(2) and 34 C.F.R. §300.320(a)(3)(ii) which require each student's IEP to include measurable goals for the identified areas of concern resulting from the student's disability and to include a description of how the goal will be measured.

   b. The LEA will contact TASN to provide training on how to write measurable goals, objectives, and benchmarks for the TWHS special education teachers and special education administrators working with the student during the 2026-27 school year. This training must occur no later than October 17, 2026. No later than October 30, 2026, the LEA will provide SETS with a copy of the training materials as well as a copy of the sign-in sheet documenting the names and positions of the staff who participated in the training.

   c. Following the training, the student's case manager will create a measurable emotional regulation goal and benchmarks as well as a measurable goal to address writing conventions, No later than November 20, 2026, the LEA will reconvene the student's IEP Team to consider the updated goal. No later than November 30, 2026, the LEA will provide SETS with a copy of the IEP Team meeting notes reflecting the discussion of the proposed goal.

3. Violations of IDEA regulations at 34 C.F.R. §300.320(a)(4) were found when the LEA failed to include a statement of the special education and related services and supplementary aids and services that will be provided to enable the child to advance appropriately toward attaining the annual goals; 2) be involved in and make progress in the general education curriculum and to participate in extracurricular and other nonacademic activities; and 3) be educated and participate with other children with disabilities and nondisabled children.

   a. No later than September 17, 2026, the LEA will provide SETS with an assurance statement that it will comply with IDEA regulations at 34 C.F.R. §300.320(a)(4) which

require LEAs to include a statement of the special education and related services and supplementary aids and services that will be provided to enable the child to 1) advance appropriately toward attaining the annual goals; 2) be involved in and make progress in the general education curriculum and to participate in extracurricular and other nonacademic activities; and 3) be educated and participate with other children with disabilities and nondisabled children.

   b. No later than November 20, 2026, the LEA will reconvene the student's IEP Team to develop an IEP that reflects the special education services that are actually being provided to the student based on the 10th grade class schedule and including the supplementary behavior support services currently being provided as the "additional layer of support" for the student. No later than November 30, 2026, the LEA will provide SETS with a copy of the IEP Team meeting notes and the PWN proposing these services.

4. Violations of IDEA regulations at 34 C.F.R. §300.503(a) and Kansas regulations at K.A.R. 91-40-27(a)(3) were found when the LEA failed to provide the parent with appropriate PWN and failed to obtain consent when removing transportation as a related service on August 20, 2025, which created a 100% material change in services.
   a. No later than September 17, 2026, the LEA will provide SETS with an assurance statement that it will comply with IDEA regulations at 34 C.F.R. §300.503(a) and Kansas regulations at K.A.R. 91-40-27(a)(3) which require LEAs to provide PWN and obtain consent for material changes in services.
   b. The LEA will contact TASN to provide training on providing appropriate PWN and obtaining consent for any material change in services for the TWHS special education teachers and special education administrators working with the student during the 2026-27 school year. This training must occur no later than October 17, 2026. No later than October 30, 2026, the LEA will provide SETS with a copy of the training materials as well as a copy of the sign-in sheet documenting the names and positions of the staff who participated in the training.
5. Violations of IDEA regulations at 34 C.F.R. §300.323(c)(2) were found when the LEA failed to implement the student's IEP as written.
   a. No later than September 17, 2026, the LEA will provide SETS with an assurance statement that it will comply with IDEA regulations at 34 C.F.R. §300.323(c)(2) which require LEAs to implement a student's IEP as written.
   b. No later than September 30, 2026, the LEA and special education administrators for TWHS will develop written guidance for tracking the implementation of student's IEPs. The LEA will share this guidance document with SETS along with documentation of how and when this guidance was shared with the TWHS special education teachers / case managers no later than October 17, 2026.

Nancy Thomas

Nancy Thomas, M.Ed., Complaint Investigator

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)