KANSAS STATE DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND TITLE SERVICES

REPORT OF COMPLAINT
FILED AGAINST
UNIFIED SCHOOL DISTRICT #412 (HOXIE PUBLIC SCHOOLS)
ON JULY 17, 2026:

DATE OF REPORT:

This report is in response to a complaint filed with our office, on behalf of a student, -------, by their parents, -------. For the remainder of this report the student will be referred to as "the Student," and the complainants will be referred to as "the Parents," or "the Parent."

The complaint is against USD #412. For the remainder of the report USD #412 will be referred to as the "District."

Investigation of Complaint

K.A.R. § 91-40-5(c)(5) requires that the complaint investigation include "[a] discussion with the complainant during which additional information may be gathered and specific allegations of noncompliance identified, verified, and recorded." Heidi Kleinman, complaint investigator, held this discussion with the Parent via telephone on July 30 and August 3, 2026, gathering additional information and verifying the specific allegations to be investigated and provided specific allegations to be investigated during this interview. The Parent did not dispute how the complaint investigator framed the issues to be investigated. The Parent also provided documentation for the complaint investigator to consider as part of the investigation. The District's special education director (Director) and the investigator had a call on July 27, August 3, and September 28, 2026, and the District provided the investigator with a response to the issues the investigator identified, as well as all documentation and data the investigator requested.

In completing this investigation, the complaint investigator reviewed the following:

- Complaint, dated July 16, 2026. (KSDE's receipt occurred upon opening the complaint on July 17, 2026.)
- Email exchange titled "[Student] – and homework" dated December 3-4, 2024
- Email titled "[Student]'s Letter and [counseling] Info" dated November 5, 2025
- Counselor's notes beginning November 5, 2026 through the end of the 2025-2026 school year
- Email exchange titled "[Student] homework" dated February 13- March 2, 2026
- Eligibility Planning Meeting notes from the Special Education Teacher dated March 25, 2026

- Meeting notes from District Psychologist (Psychologist) dated April 9, 2026
- Prior Written Notice for Evaluation or Reevaluation and Request for Consent Form dated April 9, 2026
- Email exchange titled "[Student]" dated July 15-16, 2026
- Email exchange titled "[Student]" dated July 16, 2026
- Email exchange titled "Follow Up from phone call" dated July 21, 2026
- 2025-2026 Report Card
- Benchmark Report for Reading and Math from Fall 2024 through Fall 2026
- Evaluation/Eligibility Team Report dated September 17, 2026
- PWN dated September 17, 2026
- 504 Plan with effective date of September 29, 2026

Kansas regulations require that a complaint "allege a violation that occurred not more than one year before the date the complaint is received . . . ." K.A.R. § 91-40-51(b)(1). Therefore, this complaint investigator did not consider any information either party submitted dated prior to July 17, 2025. However, for contextual purposes, one Fact (see Fact 1 below) will be used in this Report.

Background Information

For the current school year, the Student is in 11th grade and has a 504 Plan that was approved by the Parents on September 25, 2026.

Issue

In the written complaint and the complaint investigator's discussion with the complainant, the Parents allege one special education issue which is the focus of this investigation:

Issue One:

Did USD #412 fulfill its Child find obligation to identify, locate, and evaluate the Student when there was reason to suspect the Student was a child with a disability in need of special education? (34 §C.F.R. 300.111(a) &(c))

Applicable Law

34 C.F.R. §300.111(a) & (c) says States must have in effect policies and procedures to ensure that all children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated; and a practical method is developed and implemented to determine which children are currently receiving needed special education and related services. Child find must also include children who are

suspected of being a child with a disability under §300.8 and in need of special education, even though they are advancing from grade to grade; and highly mobile children, including migrant children.

Analysis: Findings of Fact

1. On December 3, 2024, an email from the Parents to a teacher in relevant part stated the Student had been diagnosed with attention deficit hyperactivity disorder (ADHD) which makes tasks such timely submission of homework difficult, "as such [the Parents] respectfully request that an [individualized education program] IEP or a 504 plan be implemented so as to better assist [the Student] with [their] success. [The Parents looked] forward to the collaboration to help [the Student] maximize [their] success in this school district." The teacher responded to the email the following day and stated that while they were not the individual that initiates the process, the other staff on the communication "will make the key people aware."
2. Notes from the Guidance Counselor (Counselor) dated Novbember 5, 2025, documented that a teacher brought a note to the Counselor written by the Student that day which discussed planned elopement and suicidal ideation with no specific plan. The Counselor followed up directly with the Student and called the Parent with the Student present. The Counselor stated they would send a copy of the letter and provide resources for outpatient counseling.
3. On November 5, 2025, the Counselor emailed the Parent a letter the Student wrote earlier in the day and information for counseling through an outside provider. The Counselor informed the Student they would check in with them "daily to see how things were going," and would "check in" with the school's special education teacher to ask that they contact the Parents "to explain the process on how to get an IEP and what tests [we]re given."
4. Follow up notes from the Counselor from November 6, 2025, through the end of the 2025-2026 school year, describe meetings with the Student on Tuesdays between the second and third period of class, "but only if [the Student] wanted to come up and talk… and as second semester went on, [the Counselor] would have to call [the Student's] vocal teacher and visit [the Student because they] didn't check in." The Student told the Counselor they "were fine and didn't want to come in anymore."
5. On February 13, 2026, email communications from the Math and Social Science Instructors, and the "At-Risk Specialist" (Specialist) to the Parents provided the following information:
    a. Math: The Student had several missing assignments which had not been submitted. The Instructor "offered time and time again" to make second copies of the work, and asked "almost daily" if the assignments were submitted, but the Student "shrugs me off." The Instructor made copies of the work for the Student to complete over the weekend but did not take them. The only grades submitted were for work completed in class.

   b. Social Science: Many assignments were not submitted, and all were accessible through the District's online platform. The Instructor asked if the Student if they needed help but "did not get much of an answer." The Student will be working with the Specialist to get caught up on assignments.
   c. At-Risk Specialist: The Specialist was able to gather all the missing assignments and would review them with the Student.

6. On February 17, 2026, an email exchange between multiple instructors discussed concerns about the Student's school work as follows:
   a. The Social Science Instructor stated they had increasing concerns about the Student as they did "virtually nothing in World History and [was] on the ineligibility list weekly," and was falling more behind in their assignments "to the point nothing is being done." The Student sat separately from the rest of the class and their "lack of participation in the class and level of depression is concerning."
   b. The Specialist stated that adjustments were made to the Student's schedule and now ate lunch in the Specialist's classroom. The Student completed an assignment in the room and was able to "stay on task the whole period."
7. On March 2, 2026, the Social Science Instructor stated that the Student was not completing work in the classroom and was using their computer to play video games, which the Instructor blocked from the computer.
8. Notes from the Counselor dated March 9, 2026, documented a follow up conversation during parent-teacher conferences. The Parents asked about getting the Student "put on an IEP for ADHD and [the Counselor stated] they would need to visit with the Special Education Teacher who "would know if there was enough time to get all the data and testing done before school was out," and could help with the process as this was out of the Counselor's "wheel house."
9. Notes dated March 25, 2026, titled "Eligibility Meeting" provided the following information:
   a. The Parent contacted the Specialist regarding concerns about the Student's executive functioning skills, declining academic performance, incomplete assignments and "lack of motivation related to school and academics." Additionally, the Parent discussed the Student's diagnoses, recent hospitalization due to suicidal ideation, current medication, and "ongoing academic difficulties."
   b. The Student Intervention Team (SIT) developed a General Education Intervention (GEI) intervention plan to be "implemented throughout the evaluation process to provide additional support and collect intervention data."
   c. The GEI was created due to "persistent concerns related to incomplete classwork, reduced academic engagement, and difficulties with executive functioning skills." Classroom data and teacher reports note the Student "frequently struggle[d] to initiate and independently complete assignments,

often leaves tasks unfinished, and demonstrate[d] limited engagement during classroom instruction," which had "increasingly impacted [the Student's] academic performance across multiple subject areas." The Special Education Teacher would collect data specific to work completion and engagement in tasks, and once collected, the team will track the goals weekly.

d. Two goals listed in the GEI stated that "across 4 consecutive weeks," Student would:
    i. Initiate assigned tasks within two minutes of direction and complete 80% of assigned work during structured class time with no more than one or two adult prompts; and
    ii. Demonstrate "on-task behavior" during periods of independent work for at least 80% of observed trials to be measured by teacher tracking or observation.
e. Interventions were detailed within five subsections titled Executive Functioning, Work Completion Supports, Motivation and Reinforcement, and Environmental/ Instructional Supports.
f. The Team discussed whether to reconvene to check progress or complete as part of an evaluation. Given [the Student']'s history of recent hospitalizations and multiple diagnoses, the team agreed that conducting a comprehensive evaluation would provide a more thorough understanding of [the Student's] educational and behavioral needs." The school psychologist scheduled an upcoming meeting with the Parent to obtain consent.

10. Notes dated April 9, 2026, from the school psychologist document that a meeting occurred with the Parent who provided consent for evaluation to begin and submitted copies of documentation from the Student's medical providers, outside evaluations, and diagnostic records.
11. A Prior Written Notice for Evaluation or Reevaluation and Request for Consent form dated April 9, 2026, documented the IEP Team proposed to conduct an initial evaluation, what existing and new data would be collected to use in the evaluation, why the evaluation was proposed, options considered by the IEP Team, and information used, which included parental input to make the decision to evaluate the Student. The Parent's signature on the document noted they provided consent for the evaluation.
12. The Student's report card for the 2025-2026 school year recorded the following grades:

Course	Quarter 1	Quarter 2	Semester 1	Quarter 3	Quarter 4	Semester 2
History	A	C	B	D	F	F
Geometry	C	C	C	D	F	D
Biology	C	C	C	C	C	C
English	D	B	C	C	D	D
Gym	A	B	A	F	F	F
Art	C	D	D	F	F	F
Vocal	A	A	A	A	A	A
Advisory	A	A	A	A	A	A

13. The District provided copies of the Student's FastBridge assessments for Reading and Math from the fall of ninth grade through the current school year. FastBridge reading and math assessments provide scaled achievement scores and percentile rankings. Growth measures changes in a student's scaled scores over time and compares the rate of growth with other students nationally, to include students beginning at similar achievement levels.
    a. Reading: The Student's scores reflected consistently strong reading achievement scores from nineth grade through the current school year. During the 2025-2026 school year the scores remained relatively similar and the Student's national growth percentile demonstrated a slower rate of growth despite strong achievement scores.
    b. Math: The Student's scores were above average in math from nineth grade to the present. While Math scores for from fall to winter of the 2025-2026 school year showed growth (national percentile of growth = 81st percentile), data for the second half of the school year showed a decline in growth (national percentile of growth = 10th percentile). For the current school year, the Student continues to meet the College Pathway benchmark and scores remain above national norms.
14. A review of the District calendars for the 2025-2026 school year and the current 2026-2027 school calendar shows that exactly 60 school days occurred from the date the Parent signed consent on April 9, 2026, and the completion of the Student's evaluation on September 17, 2026.
15. An Evaluation/Eligibility Team Report and corresponding PWN dated September 17, 2026, determined that special education services for the Student were "not necessary to enable the Student to receive educational benefits in accordance with [their] capabilities." Results of the evaluation found the Student:
    a. Met criteria for an emotional disability; however, the evaluation team determined the Student did not require specialized services to receive educational benefit.
    b. Required accommodations to "support deficits related to making and maintaining positive relationships, attention and executive functioning," which could be provided through a Section 504 plan that targets executive functioning, attention and access to a counselor.
    c. Was able to learn academic content with their general education peers, which made this the least restrictive environment, however, accommodations were required to "access this content and to demonstrate [the Student's] knowledge."
16. A Section 504 Plan with an effective date of September 29, 2026, provided accommodations for note and test taking, daily assignments and projects and classroom environment during worktime.
17. The Parent provided the following information during their July 27, 2026, telephone interview:

a. The Parents requested the Student be evaluated in December of 2024, and the school did not follow up with the next steps. The Parent acknowledged they "dropped the ball" and did not reach back out to the school until winter of the 2025-2026 school year.
b. Beginning January 2026, the Student's grades declined significantly, attendance and motivation deteriorated and the Student had suicidal thoughts which resulted in an inpatient hospitalization.
c. Although an evaluation began in April of 2026, the Parents felt communication of when it would be done was vague and were concerned about how the Student would do during the 2026-2027 school year.

18. The District's Special Education Director (Director), who works as the Director for 18 school districts through the Northwest Kansas Educational Service Center provided the following information via email and telephone interviews:
    a. The Director was unaware of concerns of the Parents regarding special education services and spoke with them on July 21, 2026, and followed up with an email outlining the Parents' concerns. In the email, the Director explained that the Student's evaluation was "currently in progress" and would help to "identify recommendations and appropriate supports when [the evaluation team] convened, regardless of whether [the Student] qualified for special education services and [would] help the school moving forward.
    b. During the abovementioned telephone conversation, the Parent acknowledged that a staff member from the school attempted to contact the Parent following the documented incident on November 5, 2025. However, the Parent was unfamiliar with the staff and did not return the call.

Conclusion

The record documents that in December 2024, the Parents informed the District that the Student had been diagnosed with ADHD, described concerns regarding the timely submission of assignments, and requested an IEP or Section 504 Plan. However, the December 2024 communication occurred more than one year prior to the filing of the complaint and is outside the timeline for investigation under the IDEA state complaint process. Therefore, the District's response to the December 2024 communication is not considered as a separate allegation of noncompliance in this investigation.

Within the period subject to investigation, the evidence demonstrates an increasing level of concern over the course of the 2025-2026 school year. Following the November 2025 incident, the District provided counseling support, attempted to connect the Parents with special education staff, and continued monitoring the Student (Refer to Fact 2-4). When the Student's academic and functional difficulties became more pronounced during the second semester, District personnel provided additional assistance and communicated regarding the Student's declining performance (Refer to Facts 5-7). As concerns regarding the Student's mental health,

executive functioning, academic performance, engagement, and assignment completion accumulated, the District convened the SIT, determined that a comprehensive evaluation was warranted, and obtained parental consent (Refer to Facts 9-11).

The evidence does not demonstrate that the District postponed or refused an evaluation. The District convened the SIT, determined that an evaluation was warranted, obtained parental consent shortly thereafter, and completed the evaluation within the required 60-school-day timeline. The September 2026 evaluation determined that the Student met criteria for an emotional disability but did not require specially designed instruction. The evaluation identified needs related to relationships, attention, and executive functioning that could be addressed through accommodations, resulting in the development of a Section 504 Plan (Refer to Facts 15-16). Based on the information available to the District during the period subject to investigation and the District's response as the Student's educational and functional concerns increased, the evidence does not establish that the District failed to fulfill its Child Find obligation under 34 C.F.R. § 300.111.

Summary of Conclusions

This investigation found no violations and there is no corrective action.

Each party's Egnyte account will be removed 90 days after the date of this email. Any information needed must be downloaded prior to that date.

Heidi Kleinman
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)