KANSAS STATE DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND TITLE SERVICES

REPORT OF COMPLAINT
FILED AGAINST
UNIFIED SCHOOL DISTRICT #233
ON AUGUST 5, 2026

DATE OF REPORT: SEPTEMBER 4, 2026

This report is in response to a complaint filed with our office, on behalf of -------, by his grandmother, -------, who serves as the educational decision-maker for the student through the Power of Attorney granted by -------, the child's father, on May 5, 2022. For the remainder of this report, ------- will be referred to as "the Student" and ------- will be referred to as "the Grandmother" or "the Complainant."

The complaint is against USD #233 (Olathe Public Schools) . In the remainder of the report, USD #233 will be referred to as the local education agency (LEA).

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." The Complaint Investigator, Nancy Thomas, held this discussion with the Parent via phone on August 7, 2026, gathering additional information and verifying the specific allegations to be investigated.

The Complaint Investigator provided the specific allegations to be investigated to the complainant via Egnyte on August 7, 2026. The Complainant did not dispute how the Complaint Investigator framed the issues to be investigated. The Complainant also provided documentation for the Complaint Investigator to consider as part of the investigation and the Complainant and Complaint Investigator exchanged multiple emails.

On August 13, 2026, the LEA provided the Complaint Investigator with a response to the issues the Complaint Investigator identified as well as all documentation and data the Complaint Investigator requested.

In completing this investigation, the Complaint Investigator reviewed the following:

Documents

- The Formal Complaint signed by the Parent on August 4, 2026
- LEA Response to the Complaint dated August 13, 2026
- Notarized Power of Attorney signed on May 5, 2022
- Evaluation Report dated April 28, 2026

- Individualized Education Program (IEP) dated April 29, 2026
- Transportation Policy found on the LEA's website
- 2026-27 Elementary Special Services Transportation Guidance
- Beautiful Minds fall tuition rates
- Receipt dated August 1, 2026 for tuition between September 7 through October 1, 2026
- Google Search for ABA Therapy in Olathe, Kansas showing Beautiful Minds Learning Hub
- Beautiful Minds Facebook page
- Student's Registration Acceptance for Woodland Elementary School dated July 20, 2026

Emails

- Email dated July 20, 2026 at 9:30 AM written by the Special Services K-21 Transportation Specialist to the Grandmother
- Emails dated July 20, 2026 at 11:38 and 11:39 AM written by the Grandmother to the Special Services K-21 Transportation Specialist
- Email dated August 4, 2026 at 7:40 AM written by the Special Services K-21 Transportation Specialist to the Grandmother
- Email dated August 4, 2026 at 7:59 AM written by the Special Education Coordinator to the Grandmother
- Email dated August 4, 2026 at 8:50 AM written by the Grandmother to the Special Education Coordinator
- Email dated August 13, 2026 at 6:34 PM written by the Grandmother to KSDE, the Complaint Investigator, and the Special Education Coordinator
- Special Education Bus Transportation Request form dated August 18, 2026

Interviews

- Phone interview on August 7, 2026 with the Grandmother
- Phone Interview on August 27, 2026 with the Monitoring Support Specialist at the Kansas Office of Early Childhood
- Phone Interview on August 28, 2026 with the owner of Beautiful Minds Learning Hub regarding the program/services offered

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, the Complaint Investigator did not consider any information either party submitted dated prior to August 5, 2025.

Background Information

The Student is ten years old and enrolled in the fifth grade at Woodland Elementary School in USD #233 for the 2026-27 school year. The most recent reevaluation was conducted on April 28, 2026 when the multidisciplinary team determined that the Student met the eligibility criteria for the exceptionality of Autism.

The Student's most recent IEP was developed on April 29, 2026 and includes goals for communication, social emotional, academic, and student independence. The IEP requires specialized instruction for 1860 minutes per week in the special education setting; 75 minutes per week of specialized instruction in the general education setting, and 40 minutes per week of language therapy. The student is placed in the Autism 2 program to receive these special education services. The student is eligible to participate in the state-wide alternate assessment program.

The Grandmother reported that the student attends school in USD #233 on Tuesdays, Wednesdays, and Thursdays. The Student receives privately funded Applied Behavior Analysis (ABA) therapy on Mondays and Fridays at Patterns Behavioral Services in Overland Park, Kansas.

Investigation

In the written complaint and the Complaint Investigator's discussion with the Complainant, the Grandmother alleged one issue upon which this investigation will focus:

Issue One

Did USD #233 violate state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA) when it refused to provide transportation as a related service on July 20, 2026 by refusing to transport the student to the after school care program paid for by the parent?

Applicable Law

Federal regulations at 34 C.F.R. §300.320(a)(4) require the IEP 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 advance appropriately toward attaining the annual goals; to be involved in and make progress in the general education curriculum, and to participate in extracurricular and other nonacademic activities; and to be educated and participate with other children with disabilities and nondisabled children in the activities.

Federal regulations at 34 C.F.R. §300.34(a) defines "related services" as transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education.

Federal regulations at 34 C.F.R. §300.34(c)(16) defines "transportation as a related service" to include travel to and from school and between schools; travel in and around school buildings; and specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability.

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

Analysis: Findings of Fact

1. The IEP dated April 29, 2026 states that the Student is "*eligible to receive transportation each day that school is in session, on a special education vehicle, from the time the student boards the vehicle from the departure point until arrival at the destination and from the time the student boards the vehicle until arrival at the returning destination*."
2. The Grandmother submitted a registration for Woodland Elementary School and was notified on July 20, 2026 the request was accepted. In addition, the Grandmother requested special services transportation to the Beautiful Minds Learning Hub after school for the 2026-27 school year
3. The Special Services K-12 Transportation Specialist responded on July 20, 2026 at 9:30 AM stating, "*Thank you for submitting a transportation request for [the Student]. Unfortunately, the daycare location listed on the request falls outside the designated transportation boundaries for Woodland Elementary, so we are unable to provide service to that location*."
4. The Grandmother responded to the Special Services K-21 Transportation Specialist via email on July 20, 2026 at 11:38 and 11:39 PM indicating Beautiful Minds Learning Hub was the same daycare the student was transported to after school during the 2026 Extended School Year (ESY) program. The Grandmother also noted that another student was being transported to the Beautiful Minds Learning Hub from the Walnut Grove Elementary School even though the Beautiful Minds Learning Hub was located within the Indian Creek Elementary School boundaries. The Grandmother asked for her transportation request to be reconsidered.
5. The Grandmother provided a copy of the fall tuition rates for Beautiful Minds Learning Hub along with a receipt showing a payment in the same amount as tuition for September 7 through October 1, 2026.
6. The Special Services K-21 Transportation Specialist responded to the Grandmother's request on August 4, 2026 at 7:40 AM stating, "*Thank you for your patience while my director reviewed the new daycare, Beautiful Minds. Unfortunately, we will not be able to*

provide transportation to that facility. Beautiful Minds offers therapy and IEP-related services, and our transportation policy does not allow service to therapy or medical appointments."

7. The Special Services Coordinator also responded August 4, 2026 at 7:59 AM to the Grandmother's email via email and stated, *"I can confirm the information that [Special Services K-21 Transportation Specialist] just shared. I did some research on your questions; daycares & childcare facilities must be licensed with KDHE (Kansas Office of Early Childhood); Beautiful Minds does not have that licensure with the state. According to the website, Beautiful Minds does share a lot of specified training for 'children across the spectrum, providing structured support that respects and enhances each child's Individualized Education Program (IEP) and Behavioral Plan or unique learning needs.' This does align a lot more with a therapeutic approach to support his needs. I can see why you are drawn to this as an afterschool space to support [the Student]. However, since Beautiful Minds does not meet the requirements for a Child Care Center, we would be unable to provide transportation*."
8. The 2026-2027 Elementary Special Services Transportation Guidance shows that Autism 2 programs are available in both the Student's neighborhood school, Woodland Elementary, as well as in the Indian Creek Elementary School where the Beautiful Minds Learning Hub is located.
9. The Grandmother reported she pursued moving into the Indian Creek Elementary School boundaries and responded to the Special Education Coordinator via email on that same date at 10:50 AM stating, "*Unfortunately, we just applied to move to Somerset Oaks to make things easier for Olathe School District. I am pretty sure that you take children to unlicensed childcare facilities and Beautiful Minds does not provide therapy or IEP services. They receive no medical reimbursement or funding from anywhere other than the amount we pay for him to go there. They are just a safe place for him to go after school. I am copying the owner to see if she provides therapy or IEP services that I am unaware of*."
10. On August 12, 2026 at 7:48 AM, the Grandmother sent an email to the Complaint Investigator and the Special Education Coordinator which included several pictures of activities taking place at the Beautiful Mind Learning Hub and stated, "A*s you can see, these are groups of children playing. If this was a therapy place, we would see 1:1 and medical insurance would be billed which it is not*."
11. An email dated August 13, 2026 at 6:34 PM written by the Grandmother to KSDE, the Complaint Investigator, and the Special Education Coordinator stated, *"Since school started today, I went ahead and took [the Student] to Woodland [Elementary School] which is the place he has attended since starting with the Olathe School District. I felt this least disruptive to his routine. I will just have to take off work early to get him from school since the day is over at 3:55 until a decision is made about transporting him to his after school care provider. While I was waiting for [the Student] at the end of his school day today, I had an interesting conversation with the Assisted Transportation driver also waiting for students. We conversed about where he transports children too. He said that he drives from school to school and takes students to either home or daycare. This year, he said that he was just taking students home, but last year he said he took a child to a childcare place. He didn't*

know if it was within the boundary of the school and he couldn't remember the name of the childcare place, but it was around 138th & Murlen. Marcia, who runs the after school program at Beautiful Minds (at around 127th & Murlen) said the school transported a student to her from Walnut Grove last year which isn't where Beautiful Minds is located. It is within the Indian Creek school district. I am wondering if it was same place. Is this just new policy year? This would come out in discovery, but I hope it doesn't get to this. At the end of day, all we want is a safe place for him to go after school."

12. The Grandmother submitted a second Special Education Bus Transportation Request form on August 18, 2026 requesting transportation after school from Woodland Elementary School to Beautiful Minds Learning Hub.
13. The Assistant Director of Special Education reported during the August 19, 2026 interview that the LEA's Transportation Department had searched records from the 2025-26 school year and found that no student from the Walnut Grove Elementary School had been transported to Beautiful Minds Learning Hub. The LEA's Transportation Department also searched all elementary schools within the district boundaries and found that no student residing in the LEA had been transported to Beautiful Minds Learning Hub during the 2025-26 school year.
14. The Assistant Director of Special Education acknowledged during the interview that the Student was transported to the Beautiful Minds Learning Hub during the summer 2026 extended school year(ESY) session; however, this was a mistake and should not have happened because Beautiful Minds Learning Hub is not registered with the state of Kansas as either a daycare or a child care center. The LEA believes the program offered at the Beautiful Minds Learning Hub would be considered therapy and the LEA has a practice of not providing after school transportation to tutoring sessions, physician appointments, therapy sessions, etc.
15. The Beautiful Minds Learning Hub Facebook page describes their program as follows: "*At Beautiful Minds Learning Hub, we believe every child deserves a space that celebrates their uniqueness and supports their growth. Founded by Marcia Washington, a professional in the Blue Valley School District's Special Education Department, we provide a safe, inclusive learning environment where children of all abilities can thrive beyond the school day. As a not-for-profit organization, we partner with families to honor each child's IEP, behavior plan, or individual learning needs while building essential social-emotional and academic skills. Our trained staff meet students where they are, nurture strengths, and empower children with tools for success in and beyond the classroom. Beautiful Minds Learning Hub is more than a program-it is a compassionate community where every child is seen, supported, and celebrated.*"
16. The LEA's website includes the following statement in regards to transportation for Special Education:

Special Services & Early Childhood Bus Request & Information

Students who receive special education services or are enrolled in early childhood programs may qualify for transportation based on school team recommendations. Transportation is provided to and from home or daycare locations within a

designated routing area, with curbside stops whenever possible.
A transportation request must be submitted for all new riders or when changes are needed. Please allow at least three school days for processing. Temporary or short-term changes cannot be accommodated . . .

17. The LEA provided a Google search that shows the Beautiful Minds Learning Hub appearing in a search for "*aba [Applied Behavior Analysis] therapy in olathe, k*s" but not in searches for either daycares or childcare centers in Olathe, Kansas.
18. An interview with the Monitoring Support Specialist at the Kansas Office of Early Childhood confirmed that the Beautiful Minds Learning Hub is not licensed as either a daycare or a childcare center in the state of Kansas. She also explained that, while a home daycare does not not have to be licensed so long as the provider has a limited number of children in care, a childcare center must always be licensed with the state because of the number of children served.
19. The Owner of the Beautiful Minds Learning Hub confirmed that the program was not licensed as either a daycare or a childcare center during her interview. She also stated that she is not a BCBA (Board Certified Behavior Analyst) but is licensed as a special education teacher in Kansas and works in a Kansas public school as a special education teacher. She reported that ABA therapy is not provided at the Beautiful Minds Learning Hub; instead the program focuses on social emotional learning (SEL) for students enrolled in the afterschool program.

Conclusion

In this case, the Student's IEP does require transportation as a related service both to and from the school. As shown on the district's website, the LEA policy states that "*Transportation is provided to and from home or daycare locations within a designated routing area*."

Documentation and interviews found the Student lives in the Woodland Elementary School boundaries and the Beautiful Minds Learning Hub is located in the Indian Creek Elementary School boundaries. According to the 2026-27 Elementary Special Services Transportation Guidance, both of these elementary schools offer the Autism 2 program required by the Student's IEP.

While the Grandmother considered moving into the Indian Creek Elementary School boundaries, she ultimately decided to enroll the Student at Woodland Elementary School, the neighborhood school. This resulted in the Beautiful Minds Learning Hub not being within the designated routing area for the elementary school where the Student was enrolled and, therefore, not eligible to be considered as an after school drop-off location.

It is noted that, even if the Grandmother and the Student had moved into the Indian Creek Elementary School boundaries, the Beautiful Minds Learning Hub would not have been an option for an after school drop-off location. Documentation and interviews found that the LEA

has a policy of only providing transportation to/from home or a daycare settings. In addition, the LEA has a practice of not providing after school transportation to therapy sessions.

Courts considering this situation have ruled that "A school district may apply a facially neutral transportation policy to a disabled child without violating the law when the request for a deviation from the policy is not based on the child's educational needs, but on the parents' convenience or preference. " See, Darlene Fick v. Sioux Falls Sch. Dist., 103 LRP 32201 (8th Cir. 2003).

The LEA believes the Beautiful Minds Learning Hub is providing therapy while the Owner states the program focuses on social emotional learning (SEL) and denies any therapy services are being provided to students enrolled in the program. Based on the documentation and interviews, it is unclear whether the Beautiful Minds Learning Hub is simply an after school program, a program providing SEL learning opportunities and instruction, or a program providing a type of play-based ABA therapy. However, it is clear that the Beautiful Minds Learning Hub is not providing services pursuant to the student's IEP and is not an accredited school, an unaccredited school, a licensed daycare, an unlicensed daycare, or a licensed child care center in the state of Kansas and, as such, is not eligible to be considered as an after school drop-off location under the LEA transportation policy as stated on the district's website. The Complainant may have valid reasons for placing the student in the Beautiful Minds Learning Hub but that placement is the result of a preference by the Complainant for that particular program, not a part of the student's public education.

Based on the foregoing, USD #233 did not violate state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA) when it refused to provide transportation as a related service on July 20, 2026 by refusing to transport the student to the after school care program paid for by the parent. The LEA is found to be in compliance in regards to this issue.

Summary of Conclusions and Corrective Action

Issue One

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

Nancy Thomas

Nancy Thomas, IDEA 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)