KANSAS STATE DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND TITLE SERVICES

REPORT OF COMPLAINT
FILED AGAINST
UNIFIED SCHOOL DISTRICT #437
ON AUGUST 17, 2026

DATE OF REPORT: SEPTEMBER 17, 2026

This report is in response to a Complaint filed with our office on behalf of a student, -------, by their parents, ------- ("Parent 1") and ------- ("Parent 2") -------. In the remainder of the report, the student will be referred to as "the Student" and the parents as "the Parents."

The Complaint is against USD #437, Auburn-Washburn Unified School District. In the remainder of the report, "the School" and the "local education agency (LEA)" shall refer to USD #437.

Investigation of Complaint

K.A.R. § 91-40-5(c)(5) requires that the complaint investigation include "[a] discussion with the parent during which additional information may be gathered and specific allegations of noncompliance identified, verified, and recorded." The Complaint Investigator had an email exchange with the Parents between August 13-17, 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 email on August 17, 2026. The Parents did not dispute how the Complaint Investigator framed the issues to be investigated. The Parents also provided documentation for the Complaint Investigator to consider as part of the investigation. The LEA was provided the Issues Letter and Request for Response on August 17, 2026 and the LEA provided the Complaint Investigator with a response, as well as all documentation and data requested.

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

The Kansas State Department of Education (KSDE) allows for a 30-day timeline to investigate a child complaint. A complaint is considered to be filed on the date it is delivered to both the KSDE and the LEA. In this case, the KSDE initially received the Complaint on August 17, 2026, and the 30-day timeline ended on September 16, 2026.

Allegations

The following issues will be investigated:

ISSUE ONE: Whether USD #437, in accordance with state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), properly carried out the corrective action plan ordered by the Department Appeal Committee on July 21, 2026 - specifically, whether the ordered Individualized Education Program (IEP) meeting was scheduled at a mutually agreeable time. K.A.R. 91-40-51(e)(f)(2), K.A.R. 91-40-17(a)(1); 34 C.F.R. § 300.151(b), 34 C.F.R. § 300.322(a)(2).

ISSUE TWO: Whether USD #437, in accordance with state and federal regulations implementing the IDEA, included appropriate and qualified personnel on the IEP team. K.S.A. 72-3404(u); 34 C.F.R. § 300.321(a)(4).

ISSUE THREE: Whether USD #437, in accordance with state and federal regulations implementing the IDEA, considered and addressed information and concerns provided by the Parents during the IEP process, including revisions to the IEP as needed, and the Parents' rights for meaningful parent participation. K.A.R 91-40-25, K.S.A. 72-3429(d)(1); 34 C.F.R. § 300.501, 34 C.F.R. § 300.324(b)(ii)(C).

ISSUE FOUR: Whether USD #437, in accordance with state and federal regulations implementing the IDEA, provided the Parents with prior written notice when refusing to meet with the Parents. K.A.R. 91-40-26; 34 C.F.R. § 300.503.

ISSUE FIVE: Whether USD #437, in accordance with state and federal regulations implementing the IDEA, provided the Parents with timely notice of meeting for the August 20, 2026 IEP meeting. K.A.R. 91-40-17(a)(2); 34 C.F.R. § 300.322(a)(1).

ISSUE SIX: Whether USD #437, in accordance with state and federal regulations implementing the IDEA, denied the Student a free appropriate public education (FAPE) as a result of the aforementioned allegations. K.A.R. 91-40-2, K.A.R. 91-40-1(z); 34 C.F.R. § 300.17, 34 C.F.R. § 300.101.

Investigation of Complaint

The Complaint Investigator interviewed the Parents on August 31, 2026. The Superintendent and the Director of Secondary Special Services were interviewed on September 1, 2026. On September 3, 2026, the Case Manager submitted a written response to interview questions.

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

1. Notice of Meeting, 06/26/26, 08/10/26

2. Picture of Highlighted Portions of Notice of Meeting, 08/10/26
3. Screenshot of Delivery Tracker, 08/11/26-08/14/26
4. Decision of the Appeal Committee for Case 26FC437-015, 07/21/26
5. Response to Appeal Decision No. 26FC437-015, no date
6. Individualized Education Program, 08/06/26
7. Meeting Attendees, 08/06/26
8. Meeting Notes, no date
9. Calendar Invitations, re: [the Student] In-Person IEP [Meeting], 08/03/26
10. Emails between parties, 06/08/26-08/26/26

Background Information

This Investigation involved an eleventh-grade student enrolled at a high school in the LEA. The Student is currently receiving special education or related services as a child with a disability per the IDEA with a primary disability of Intellectual Disability and a secondary disability of Autism.

Findings of the Investigation

The following findings are based on a review of documentation and interviews with the Parents and staff in the LEA.

1. In an email to the Parents on June 26, 2026, the Assistant Principal proposed an annual IEP review meeting on August 6, 2026 from 2:00 p.m. to 3:30 p.m. It was noted the meeting invitation would include "the expanded team members previously requested." The Assistant Principal stated, "If that date and time do not work for your family, please provide your availability and we will continue working to identify a mutually agreeable meeting time." They said a copy of the Notice of Meeting (NOM) and procedural safeguards were attached to the email, and they would send the NOM digitally, allowing for an electronic signature if the Parents desired. They also listed the following team members as invited to the August 6, 2026 meeting:
    a. The Parents and the Student.
    b. The Case Manager, Special Education Teacher 2, Special Education Teacher 3, and the Special Education Department Chair.
    c. The Physical Education (PE) Teacher, the Adaptive PE Teacher, and the Advisory Teacher.
    d. The Physical Therapist, the Speech-Language Pathologist (SLP), and the School Nurse.
    e. The Director of Secondary Special Services and the Assistant Principal.
2. A NOM, dated June 26, 2026, indicated a proposed meeting scheduled for August 6, 2026, at 2:00 p.m., at the School in the Case Manager's room. The purpose of the meeting was to discuss possible changes to the IEP, conduct an annual review of the

IEP, develop postsecondary goals, and "consider medical information provided April 29 to April 30, 2026." The Acknowledgment section was blank and indicated no Parent signatures.

3. On June 30, 2026, Parent 1 emailed the Principal, the Superintendent, the Former Superintendent, the Assistant Principal of Student Services, and the Superintendent Secretary, and said, "We will be responding to no communications from [the Assistant Principal] or attending any meetings that include [the Assistant Principal]. If we show up for a meeting and [the Assistant Principal] is there, we will turn around and walk back out. If [the Assistant Principal] comes in during the meeting, we will stand up and walk out. We will not be working with [the Assistant Principal]. [The Assistant Principal] is a liar, has lied on multiple occasions, and actively made decisions to harm [the Student]. This person will not be involved with us or our children. We aren't asking, we are insisting. [The Director of Secondary Special Services] is also a liar, and included on this email, and I cannot say that [they] cannot be in the meeting as the head of special education for your district, but I would suggest that you're [sic] superintendent who has a special education background would be a better person to fill-in, since [the Director of Secondary Special Services] obviously doesn't know the law and is a liar. But I'm probably stuck with [the Director of Secondary Special Services], but I'm not stuck with [the Assistant Principal]. So, since you guys have decided, you know better than us how to support our children, you can figure it out!"
    a. Two minutes later, Parent 1 followed up with another email that said, "Actually, I've changed my mind, I'm not stuck with [the Director of Secondary Special Services]. We will be attending no meetings or communicating in any way with [the Director of Secondary Special Services]. I cannot be forced to communicate with a liar and someone who would actively violate [the] IDEA and who refuses to educate [themselves] on [the] IDEA! So, since you guys have decided that you are so capable of making decisions for and about our children without us, figure it out! We will make sure that [the Case Manager] has the correct safety knowledge for both of our [children]. The rest of you are useless, and I will not be forced to work with people like you!"
4. In a July 21, 2026 email to the Parents, the State Attorney referenced an attached Appeals Committee decision and stated, "This is the final decision." The July 21, 2026 Appeals Committee decision indicated the LEA was "out of compliance" by "refusing to address 'information provided by the parent' during the IEP meeting" and issued the following corrective action:
    a. "No later than August 3, 2026, the LEA shall provide a written statement of assurance that it will comply with the requirement in 34 C.F.R. [§] 324(a)(1)(ii) and 34 C.F.R. [§] 300.324(b)(1)(ii)(C) to address information about the child provided to or from the parents at any IEP meeting."
    b. "No later than October 15, 2026, the LEA shall provide training to all special education administrative staff in USD [#]437 on the requirements of 34 C.F.R.

[§] 300.324(b)(1) and inform SETS in writing when that training was completed and the names of the administrative staff members who attended."

c. "No later than August 3, 2026, the LEA shall make a written offer to the parents to hold an IEP meeting to discuss any of the concerns of the parents at a mutually agreed[-]upon time, and provide Special Education and Title Services (SETS) with a copy of that written offer."

i. In their Response to the Appeal Decision, the LEA stated it would "continue its efforts to convene an IEP meeting with the [P]arents at a mutually agreeable time to discuss concerns regarding the [S]tudent's educational program as already in process with the [NOM] dated June 26, 2026 for an Annual Review on August 6, 2026."

5. In a July 30, 2026 email to the Superintendent, Parent 1 requested the substitution of the Director of Secondary Special Services and the Assistant Principal from the Student's IEP Team. Parent 1 stated that both administrators "presented false information and misused [the] IDEA and [Americans with Disabilities Act] ADA frameworks." Parent 1 stated, "The intentional distortion of facts, regular misuse of special education frameworks, documented regulatory non-compliance, and a pattern of retaliation by these two individuals have entirely shattered any possibility of trust or meaningful parental collaboration." Parent 1 asserted that by enforcing the presence of these two staff members, the LEA was "forcing" the Parents into a hostile environment that violated the Student's right to a FAPE and impeded meaningful parental participation. Parent 1 proposed replacing the Assistant Principal with the New Assistant Principal and substituting the Director of Secondary Special Services with the Superintendent or another LEA special education director outside the secondary level. Parent 1 requested the continued participation of all other current IEP team members. Furthermore, they asked for a formal written response within five business days confirming whether the LEA would grant the administrative substitutions.

6. In a July 30, 2026 email to Parent 1, the Superintendent confirmed receipt of Parent 1's email and acknowledged the "history of concerns with the [LEA]." They offered to meet with Parent 1 via conference call to "discuss hopes or goals for the school year to ensure a positive experience for your children," and closed with, "This conversation will have a future-forward orientation." Furthermore, the Superintendent offered their assistant to calendarize a meeting.

a. The same day, Parent 1 responded, "If you are, in other words, refusing to address the still very relevant ways that your special education director and … [the Assistant Principal], have broken the law and lied to us, then we are not interested [i]n a conversation that is meaningless."

7. An August 3, 2026 virtual calendar invite from the Special Education Teacher to the Parents and the IEP team, included a virtual meeting invite for Thursday, August 6, 2026, at 2 p.m. and stated, "I am inviting you to participate in [the Student's] in-person Annual Review IEP Meeting this Thursday, August 6, 2026, at 2:00 p.m. to 3:00 p.m., [at]

[the School]. If you have any queries, please do not hesitate to email me. Thank you for all the support in making this meeting a success."

a. On August 3, 2026 at 4:29 p.m., Parent 2 accepted the calendar invite for the August 6, 2026 IEP meeting.
b. On August 3, 2026 at 4:31 p.m., Parent 1 accepted the calendar invite for the August 6, 2026 IEP meeting.
c. On August 3, 2026 at 4:32 p.m., Parent 2 declined the calendar invite for the August 6, 2026 IEP meeting.

8. On August 4, 2026, the Case Manager emailed the Parents to "gently remind" them of the Student's annual IEP review meeting scheduled for August 6, 2026. They stated that with the Parents' permission, they wanted to invite the Social Worker to the meeting to help discuss transition planning for the Student. The Case Manager asked the Parents to reply to the email if they agreed to the Social Worker's attendance at the meeting. The evidence did not include a response from the Parents.
9. An IEP Draft, dated August 6, 2026, outlined the following for the Student:
    a. IEP team meeting participants were listed as: The Student, Parent 1, the Advisory Teacher, the Case Manager, the Assistant Principal, the General Education Teacher, the PE Teacher, the Special Education Department Chair, the Physical Therapist, the SLP, Special Education Teacher 2, Special Education Teacher 3, Special Education Teacher 4, Special Education Teacher 5, the Instructional Facilitator, and the School Counselor.
    b. Parent 1 provided input via a Parent Transition Survey regarding the Student's post-secondary goals and needs. No other parent input was noted.
    c. Seven goals were written for reading (two goals), math (two goals), social-emotional (one goal), communication (one goal), and motor skills (one goal).
    d. Extended School Year (ESY) services.
    e. Eighteen accommodations.
    f. Consultation services from the Adaptive PE Teacher, the Physical Therapist, the Case Manager, and the SLP from August 6, 2026 through August 5, 2027.
    g. Direct special education services from the SLP, the Physical Therapist, and the Special Education Teacher from August 6, 2026 through August 5, 2027.
10. In an August 9, 2026 email to Parent 1, the Superintendent responded that the email was their first correspondence with Parent 1 "offering to dialogue" regarding the upcoming school year and reiterated that, with any other family, they would have offered the same to "understand your hopes and goals." They added they were made aware of a scheduled IEP meeting the week prior; an invitation was sent, and Parent 1 "ultimately, also chose not to attend the IEP meeting." They confirmed that, at the time of writing the correspondence, the Parents had not offered alternative meeting dates and times for the IEP Team to "consider," shared the team would be offering alternative dates and times, and said the team had "questions … about the summer and how best to start the school year." The Superintendent added, "If it is necessary for me to attend

IEP meetings then I can consider such action. I would do so in support of you as parents and in support of our staff who have the responsibility of executing the IEP."

a. Later that day, Parent 1 replied and asserted the Superintendent "failed to address [the Parents'] pending formal requests or the [LEA's] ongoing non-compliance … ." Parent 1 reiterated their previous attempts to schedule a meeting to "fix these outstanding legal issues" were "refused" by staff. Parent 1 added, "Because this [D]istrict cannot be trusted to comply with the law or prevent a hostile environment, we will not participate in any further IEP meetings unless a KSDE representative is present to oversee the process. … Once KSDE confirms their representative's availability, we can discuss an alternate meeting date and time." Furthermore, they requested the Superintendent's attendance at the IEP meeting once scheduled.

11. An August 10, 2026 NOM indicated an annual IEP for the Student scheduled on August 20, 2026 at 3:00 p.m. at the School's conference room. A virtual meeting link was also included. The meeting notice indicated the following staff members would attend: a general education teacher, a special education teacher, a School representative, others who had knowledge of the Student, and the Student. Additionally, the NOM indicated a checked box next to "Consider Medical Information provided April 29-30, 2026."
    a. Attached to the LEA's version of the August 10, 2026 NOM, was a list of people who were "invited and arrived prepared to participate in the August 6, 2026 IEP meeting that did NOT occur due to the [P]arent's absence." The list included the following people and their status as a required IEP member:
        i. Required:
            1. General Education: The PE Teacher.
            2. Special Education: The Case Manager.
            3. Administrative: The Assistant Principal.
            4. Related Services: The Adaptive Physical Education (PE) Teacher, the Physical Therapist, the SLP, and the School Nurse.
        ii. Not Required:
            1. The Advisory Teacher, attendance requested by the Parents.
            2. Special Education: Special Education Teacher 2, Special Education Teacher 3, and the Special Education Department Chair.
            3. The Instructional Facilitator for "low-incidence and autism."
            4. The Director of Secondary Special Services.
12. In an August 10, 2026, email to the Parents, the Director of Secondary Special Services provided a new NOM for an annual IEP meeting scheduled for August 20, 2026, and stated, "If the date/time is not workable for you, please let us know." They also offered a virtual meeting link to attend if in-person did not work. In an email response that included LEA staff, KSDE staff, and Office of Civil Rights (OCR) staff, Parent 1 acknowledged the NOM, stated the LEA "unilaterally" scheduled the meeting, and

asserted they did "not agree to this meeting date or time," and were "formally requesting that it be postponed." They mentioned the corrective action directive issued on July 21, 2026, which "explicitly prohibited" the LEA from scheduling meetings without communicating with the Parents. Additionally, the Parents indicated the following next steps:

a. "We require this meeting to be rescheduled to a date when the KSDE-appointed facilitator can be present to oversee the team."
b. "Once the facilitator is assigned, we are fully prepared to provide our availability to establish a mutually agreeable time."
c. "You are currently three business days late in responding to our previous formal request for substitutions of team members. Because the current team configuration has created a hostile environment, it violates our federal right to Meaningful Parent Participation … and directly threatens a denial of a [FAPE] … . We require your formal written response to our substitution request no later than Thursday, August 13, 2026 … so this issue can be resolved before any future meeting dates are finalized."
d. "Please confirm receipt of this message, cancel the August 20[,] [2026] meeting notice, and ensure our formal disagreement with this date – along with our outstanding personnel concerns, the repeated July 21[,] [2026] directive violations, and our administrative deadline – is documented in our [child's] educational record."

13. In an August 10, 2026 email to the Director of Secondary Special Services, the Superintendent, and other staff members, the Parents submitted an addendum to their active complaint regarding the LEA's NOM issued that day. The Parents indicated that the LEA's scheduling of an IEP meeting for August 20, 2026 attempted to "bypass" their pending request for a state-appointed IEP facilitator and violated their right to meaningful parental participation. They requested that the KSDE document this action within the active non-compliance investigation and issue a directive halting the proposed meeting timeline until a facilitator was assigned.
    a. On August 13, 2026, the Superintendent responded to the Parents, acknowledging their August 10, 2026 email regarding their disagreement. They stated the LEA agreed to reschedule the August 20, 2026 IEP meeting. They were awaiting a response from the KSDE regarding a representative to attend the meeting, and would "provide a follow[-]up email correspondence" responding to the Parents' request regarding the "persons to be involved in the meeting."
    b. On August 18, 2026, Parent 1 forwarded this email thread to the Complaint Investigator and wrote, "Instead of issuing the legally required [Prior Written Notice (PWN)] accepting or denying our staffing substitution request, [the Director of Secondary Special Services] only provided an acknowledgment of receipt and an open-ended promise to follow up later. … No formal decision or

PWN has been provided, resulting in a continuous denial of meaningful parental participation and a failure to secure a properly constituted IEP team."

14. In an August 14, 2026 email to the Complaint Investigator, Parent 1 stated, "On Friday, August 14, [2026] we received a certified letter from the [LEA]. The letter was dated August 10, [2026], but the official postal tracking data confirms that the [LEA] did not actually mail it until August 11, [2026], and it schedules an uncoordinated team meeting for August 20, 2026. This mailing was issued after we submitted a formal request on August 7[,] [2026] demanding that all communication from the [LEA] be routed exclusively through KSDE. … Furthermore, this letter was sent after we had made an explicit formal request for a KSDE-facilitated IEP meeting because of [the] hostile environment – a request the [LEA] completely ignored. We re-implemented and restated this communication protocol directly to the [S]uperintendent on August 10[,] [2026]. The fact that they mailed it on the 11th demonstrates that the [LEA] had ample opportunity to intercept the mailing following our August 7[,] [2026] and our August 10[,] [2026] directive. Instead, they proceeded to mail it the following day, illustrating a systemic failure to adhere to parental directives and established dispute protocols, while also directly violating our parental rights by sending this notice in less than 10 days." Additionally, Parent 1 noted, "The certified envelope contained only the flawed meeting notice, with no accompanying agenda or [PWN] outlining the intended participants or specific objectives."
    a. Photos of a certified mail letter and tracking system indicated:
        i. A letter mailed by the LEA with a postmark date of August 10, 2026.
        ii. A screenshot of a mail tracking system indicated:
            1. On August 11, 2026, the mail tracking system was in possession of the item.
            2. On August 13, 2026, there was "no access to the delivery location."
            3. On August 14, 2026, the letter was delivered and "left with individual."
15. In an August 17, 2026 email to the Department, the Parents asserted the LEA violated procedural timelines, "by mailing the notice only nine days prior to the scheduled meeting, resulting in its arrival just six days before the event, all while never reaching out to us to seek to find a mutual meeting time as they were instructed to do by [the Department] on the 21st of July."
16. An undated LEA document noted, "[The LEA] does not keep separate team meeting notes. All items discussed are documented within our [PWNs]."
17. On August 17, 2026, the Parents filed this Complaint.

Parents' Interview

18. In an interview with the Complaint Investigator, Parent 1 stated they did not receive or possess a NOM or email from the Assistant Principal dated June 26, 2026, regarding a proposed meeting on August 6, 2026. Parent 1 explained that on June 9, 2026, they had informed the Principal in writing that they would no longer accept communications directly from the Assistant Principal. Parent 1 and Parent 2 clarified that they were first

informed of a proposed August 6, 2026 IEP meeting on August 3, 2026, via a digital calendar invitation sent by the Case Manager. The Parents confirmed they did not attend the August 6, 2026 IEP meeting, nor did they respond to the NOM.

19. The Parents described the typical process for scheduling an IEP meeting as a collaborative, direct outreach led by the Case Manager, rather than an LEA representative. Parent 1 explained that in past practice, this standard process involved direct communication from the Case Manager asking what times or dates worked best for the family, rather than unilaterally issuing formal notices or calendar invites. Parent 1 stated that on the same day they received the NOM from the Director of Secondary Special Services, the Case Manager reached out and stated, "Hey, can we find a time for us to meet?" Additionally, Parent 1 shared that they have not reached out to LEA staff with a specific date or time, nor have they shared their availability. Parent 2 asserted, "They're not choosing to try and find mutually [agreed] upon times and not handle it in the way the State is asking them to."
20. The Parents confirmed the most recent IEP meeting they attended was the Student's annual review on or around September 25, 2025. They further recalled that no IEP amendments were executed between that September 2025 annual review meeting and the present date.
21. When asked about parental participation and input, Parent 1 shared that during the 2025–26 school year, they provided medical background information regarding the Student's physical and toileting needs for inclusion in the IEP. Parent 1 explained that despite receiving this input, the Assistant Principal finalized the IEP without including that information, which led to administrative conflicts when School staff attempted to send the Student home for disability-related toileting accidents.
22. The Parents explained the IEP team's configuration impaired their parental participation by creating a "hostile" environment that eroded administrative trust. Parent 1 shared that while they maintained a positive, collaborative working relationship with the Student's direct educators and service providers, the Assistant Principal routinely made "unilateral" programmatic decisions without daily involvement or team input. Parent 2 added that the Assistant Principal dictated outcomes rather than facilitating team consensus, which caused the Parents to distrust LEA communications and hindered their ability to engage as equal partners in the IEP process.
23. When providing a reason they requested the Assistant Principal not be on the IEP team, the Parents described an incident in late March 2026 where a water issue at the School led staff to instruct the Student to walk "all the way around the building" to enter. A classroom teacher "intervened" to allow the Student inside, after which Parent 1 submitted a complaint to building administration emphasizing that, due to the Student's physical disability and upcoming back surgery, they required "the most direct route within the classroom." Parent 1 stated following this advocacy, the Assistant Principal "jumped in and [they] said that [the Student] should never be using that entrance and that they were going to change [the Student's] entrance." Parent 1

asserted that using the closest entrance to the Student's classroom was part of their established IEP.

24. The Parents explained the Assistant Principal initially stepped in as the LEA representative because Parent 2 was serving as the Assistant Principal of Student Services and could not act as the LEA for their own child. Parent 1 stated that because Parent 2 no longer holds that role, they formally requested that the Superintendent remove the Assistant Principal and assign the New Assistant Principal to fulfill the LEA administrative duties. Additionally, the Parents requested the Superintendent stand in to replace the Director of Secondary Special Education Services, citing the Director of Secondary Special Education's repeated misrepresentations, refusal to follow legal procedures, and lack of understanding of the IDEA regulations.
25. Regarding the August 20, 2026 IEP meeting postponement, Parent 1 confirmed that on August 10, 2026 they submitted a request to postpone the August 20, 2026 IEP meeting. Parent 1 explained the postponement was requested so the meeting could be rescheduled after the KSDE acted on their request for an independent state IEP facilitator to oversee the team. The Parents noted that although LEA staff "continued to press," the Superintendent eventually emailed to confirm receipt and agreed to reschedule the August 20, 2026 meeting. The Parents confirmed no meeting occurred.

Superintendent Interview

26. In an interview with the Complaint Investigator, the Superintendent explained the IEP team was aware they must schedule IEP meetings at mutually agreeable times and made an attempt to do so over the summer of 2026. The Superintendent confirmed the Parents' response to the calendar invites was they "might" participate in the scheduled IEP meeting.
27. Regarding directives given to staff after the appeal decision on July 21, 2026, the Superintendent indicated the Director of Secondary Special Services was directed "to proceed per usual in scheduling IEP meetings," and for staff to continue to communicate with the Parents "as they would be expected to do."
28. With respect to communicating with the Parents to schedule IEP meetings, the Superintendent stated the team attempted to schedule meetings multiple times without success. The team wanted to hold an IEP meeting at the beginning of the school year to better understand and serve the Student's current needs, given that they underwent a "medical intervention." The Superintendent relayed, "The family does not wish to engage in any IEP meeting while a KSDE investigation is taking place," although the Superintendent encouraged staff to communicate and determine if and how the IEP should be adjusted to respond to the Student's medical updates. The Superintendent explained they emailed and offered the Parents an opportunity to meet, along with offering advice on making communication between them and the LEA more effective.

29. The Superintendent stated the LEA had received a request from the Parents to cease providing physical therapy services to the Student and consequently were attempting to hold an IEP meeting to remove those services from the Student's IEP.
30. In response to the Parent's formal request to substitute other staff members for the Director of Secondary Special Services and the Assistant Principal, the Superintendent spoke with those staff members and others to review whether there had been violation of board policy, or anything of "an egregious nature." The Superintendent asserted they found no reason to remove the Assistant Principal or the Director of Secondary Special Services from participating in the IEP team. They further indicated they were aware the LEA had previously reviewed the request, and staff assignments were decided by LEA administration.
31. When asked whether the LEA issued PWN when rejecting the staff change request, the Director of Secondary Special Services interjected during the interview with the Complaint Investigator and clarified, "That has not been our practice to issue a prior written notice when a change in staff member or change in personnel is requested." In a follow up email to the Complaint Investigator, the Superintendent added the request to remove personnel did not meet any of the four requirements that would initiate PWN.
32. The Superintendent indicated they and the prior administration attempted to share information about the denial of the staff change request with the Parent, and stated, "… they have received communication in more than one form that it would be the [LEA's] decision [to continue with the current IEP team]."
33. When asked what steps the LEA took to coordinate with the KSDE and establish mutual dates for a meeting with the Parents and the state-appointed facilitator, the Superintendent detailed the following:
    a. "I have asked the Parent twice in email whether or not they have been assigned a representative from KSDE, to be a representative [for] them in an IEP meeting, and I have not received a direct response from [the Parents] about who that individual is or when that individual might be able to assist us by attending an IEP meeting."
    b. The identification and availability of the facilitator has prevented the IEP meeting from being scheduled.
    c. Two alternatives were offered in an attempt to allow the meeting to occur in the interim while no facilitator was identified: mediation, or the IEP meeting could be held with the Superintendent in attendance, who would serve as the contact person for the Parents (rather than the Assistant Principal). The Parents had not affirmed either option.

Director of Secondary Special Services Interview

34. In an interview with the Complaint Investigator, the Director of Secondary Special Services stated they were informed of the parameters set forth by the July 21, 2026

KSDE appeal decision, including the requirement that IEP meetings be scheduled at a mutually agreed upon time.

35. Before the August 10, 2026 notice was issued for the August 20, 2026 IEP meeting, the Director of Secondary Special Services described asking the Parents for times and dates they would be available and if there were any flexible opportunities (meeting in person, virtually, or on the phone) that might be provided by the LEA to facilitate the IEP meeting. Because the Director of Secondary Special Services never received a response to their requests, the IEP team found a time agreeable to everyone else, and then communicated to the Parents that this time would work for the rest of the team. They also communicated that if the date or time did not work for the Parents, they could find another time that did. The Director of Secondary Special Services noted they made email contact, along with the Case Manager, the Superintendent, and the Assistant Principal. They also included a link to participate virtually.
36. The Director of Secondary Special Services indicated the issuance of the August 10, 2026 notice complied with the appeal decision because it explicitly stated the LEA would find another time to meet if this time did not work for the Parents. They also noted the LEA would cancel the meeting if the Parents did not attend.
37. When asked about how the LEA selected the staff members who were added to the August 20, 2026 meeting notice, the Director of Secondary Special Services stated there were mandatory IEP team members who must participate, and the LEA also ensured that the people the Parents specifically requested were included, although no specific names were listed (only roles and titles).
38. Regarding the LEA's decision not to honor the Parent's request that the Assistant Principal and the Director of Secondary Special Services be replaced with other staff, the Director of Secondary Special Services stated, "We didn't issue a prior written notice related to a substitution of a staff member because it doesn't address any of those four reasons [identification, evaluation, placement, or provision of a FAPE] why we would need to issue a prior written notice." They indicated that due to the specifics of this situation, and due to their role as the Director of Secondary Special Services, the LEA team determined it was "important" that they remain involved. The Director of Secondary Special Services stated, "We felt it was our best way to protect our staff members by continuing my involvement as well as [the Assistant Principal's] involvement." In a follow-up email to the Complaint Investigator, the Director of Secondary Special Services clarified the LEA responded to the Parents' staff change request by email.

Case Manager Written Response

39. In written response to interview questions from the Complaint Investigator, the Case Manager wrote that they were "directly" made aware of the July 21, 2026 Appeal Decision on August 4, 2026, by the Director of Secondary Special Services and Assistant Director of Elementary Special Services during a department staff meeting.

40. When asked about parental availability and input, the Case Manager explained that scheduling the August 6, 2026 meeting followed prior LEA coordination efforts. They shared the Assistant Principal had initiated efforts to schedule the annual review on June 9, 2026, but while Parent 1 responded that morning addressing past concerns, their communication "did not provide dates, times, or availability for scheduling the annual review." Consequently, the LEA issued a June 26, 2026 proposal for an August 6, 2026 meeting inviting the Parents to provide alternative availability if needed, which went unanswered. The Case Manager noted Parent 1 "acknowledge[d] the receipt of the email and attached [NOM] for the August 6[,][2026] meeting in an email to the incoming Superintendent."
    a. While staff utilized "extensive information from the [P]arents through their ongoing correspondence" to draft the working IEP document, Parent 1 declined the LEA's offer for advance input and advised staff not to spend time preparing the draft because the " … Parents anticipated proposing numerous revisions and additions during the meeting, telling us to 'buckle up.'" The Case Manager shared, Parent 1 specifically "objected to our request that proposed revisions and concerns be provided in advance, characterizing that request as limiting parental participation and reflecting predetermination." The Case Manager indicated the team's "mindset was that the [P]arents preferred to provide their input during the annual IEP meeting," adding, "We later prepared a draft for the annual review, we did so with the understanding previously communicated by the [P]arents that they intended to provide their proposed revisions and additions through the IEP Team meeting process rather than through the advance-input process we had offered."
41. The Case Manager indicated on August 3, 2026, a digital invitation was issued as an internal "additional scheduling/reminder mechanism" for an annual IEP meeting scheduled for August 6, 2026, rather than as an initial communication. Prior to sending the reminder, a NOM had already been delivered via certified mail and digital email, although the Parents had not "affirmatively verified that August 6[,] [2026] was an available date" beforehand. The Case Manager indicated while not intended to replace formal notice, the calendar invitation ultimately served as "the first communication that [Parent 1] responded to affirmatively, that they planned to attend," with Parent 1 accepting the invitation on August 3, 2026.
42. The Case Manager confirmed the August 6, 2026 IEP meeting "did not occur" because the Parents did not attend, and the final draft "has not yet been completed or finalized." They shared that the team convened, "remained available until 3:30 [p.m.], but out of respect for meaningful parent participation, the [LEA] adjourned without proceeding in absentia." They added that the list of IEP participants reflected the proposed team member "composition," which was to be "verified and updated" at the meeting. Additionally, the Case Manager shared, " … Subsequent scheduling attempts have been paused per parental request while awaiting clarification from [KSDE], [the Student's] previous IEP remains fully implemented as written."

Positions of the Parties, Applicable Regulations, and Conclusions

Issue One

Whether USD #437, in accordance with state and federal regulations implementing the IDEA, properly carried out the corrective action plan ordered by the Department Appeal Committee on July 21, 2026 - specifically, whether the ordered IEP meeting was scheduled at a mutually agreeable time. K.A.R. 91-40-51(e)(f)(2), K.A.R. 91-40-17(a)(1); 34 C.F.R. § 300.151(b), 34 C.F.R. § 300.322(a)(2).

According to K.A.R. 91-40-51(e), if a report requires corrective action by an agency, that agency, within 10 days of the date of the report, shall submit to the State Director of special education one of the following: Documentation to verify acceptance of the corrective action or actions specified in the report; A written request for an extension of time within which to complete one or more of the corrective actions specified in the report, together with justification for the request; or a written notice of appeal. If an agency files a request for an extension of time within which to complete one or more corrective actions required in a report, a review committee of at least three Department of Education members shall be appointed to review the request and the offered justification for the extension of time. A decision on the request shall be made by the committee within five business days of the date the request was received. The decision of the review committee shall be final. If a local education agency fails to respond to a report within the time allowed, sanctions may be invoked.

According to K.A.R. 91-40-51(f)(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 the issuance of an accreditation deficiency advisement, the withholding of state or federal funds otherwise available to the agency, the award of monetary reimbursement to the complainant, or any combination of the actions specified above.

According to K.A.R. 91-40-17(a)(1), each agency shall take steps to ensure that one or both of the parents of an exceptional child are present at each IEP team meeting or are afforded the opportunity to participate. These steps shall include scheduling each meeting at a mutually agreed-upon time and place and informing the parents of the specified information contained in this regulation.

The Parents alleged the LEA's non-compliance with state and federal regulations under the IDEA, "regarding the [LEA's] explicit failure to implement the binding Corrective Action Plan ordered by the [Department's] Appeal Committee on July 21, 2026." Specifically by, "unilaterally" scheduling an IEP meeting that was not at a mutually agreed upon time.

The LEA denied this allegation and asserted full compliance with both the July 21, 2026 Corrective Action Plan order and state and /federal parent participation regulations.

The evidence in this case shows the LEA extended multiple written offers to meet, provided multiple meeting modalities, and invited the Parents to provide their own availability if proposed dates would not work for the Parents. Despite these repeated invitations, the Parents did not provide alternative dates or times, stating they had not shared their availability and declaring they would not attend any meeting or communicate with the currently assigned administrative staff. Further, the Parents conditioned their participation on demands outside the scope of regulatory requirements, such as requiring state-appointed facilitators and the removal of specific administrative team members. The LEA offered reasonable interim solutions, including direct oversight by the Superintendent or mediation, so the Student's annual IEP review could proceed. When the Parents accepted the August 3, 2026 calendar invite for the August 6, 2026 meeting, the LEA had reason to believe a mutually agreeable time had been reached, yet the Parents ultimately did not attend. In recognition of the need for parental participation, the LEA adjourned the August 6, 2026 meeting without proceeding "in absentia." When the LEA issued the August 10, 2026 NOM for an August 20, 2026 meeting and the Parents objected, the Superintendent agreed to postpone the meeting. The LEA did everything within its power to fulfill the corrective action plan and the failure to establish a mutually agreeable time was driven by parental non-cooperation, rather than LEA non-compliance.

Based on the foregoing, according to the IDEA and Kansas special education regulations, the *LEA was compliant* in their attempts to implement the binding Corrective Action Plan ordered by the Department's Appeal Committee on July 21, 2026.

Issue Two

Whether USD #437, in accordance with state and federal regulations implementing the IDEA, included appropriate and qualified personnel on the IEP team. K.S.A. 72-3404(u); 34 C.F.R. § 300.321(a).

According to K.S.A. 72-3404(u) and 34 C.F.R. § 300.321(a), an "IEP team" means a group of individuals composed of the parents of a child, at least one regular education teacher of the child if the child is, or may be, participating in the regular education environment, and at least one special education teacher or, where appropriate, at least one special education provider of the child. Additionally, there should be a representative of the agency directly involved in providing educational services for the child who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of exceptional children, knowledgeable about the general curriculum, and knowledgeable about the availability of resources of the agency. The IEP team should also include an individual who can interpret the instructional implications of evaluation results, who may be a member if the team described in

paragraphs (a)(2) through (a)(6) of this section, at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate and, whenever appropriate, the child.

The Parents alleged the LEA assembled a "hostile" IEP team, which included people who were "retaliatory" and continuously "misrepresented" information.

The LEA denied the allegation and asserted that all mandated IEP team roles were filled by fully licensed, appropriate, and qualified personnel with direct knowledge of and connection to the Student. Furthermore, the LEA exceeded minimum regulatory requirements to accommodate specific parent requests for additional staff participation.

The June 26, 2026 NOM for a proposed August 6, 2026 meeting included a full complement of qualified members, including the Parents, special education teachers, general education teachers, physical education and adaptive PE teachers, related service providers, and administrative representatives. Additionally, an expanded group of required and non-required personnel convened and remained available for the scheduled August 6, 2026 meeting, to ensure all statutory areas of expertise were represented. Although Parent 1 repeatedly requested the removal and substitution of the Assistant Principal and the Director of Secondary Special Services due to allegations of distrust and non-compliance, the LEA acted within its legal authority regarding personnel composition. Under 34 C.F.R. 300.321(a)(4), the LEA has the obligation to provide qualified personnel based on the outlined criteria for a representative, not the Parent. The LEA has the administrative discretion to designate which specific qualified individuals fulfill the required LEA representative and administrative roles on an IEP team. Additionally, the Superintendent conducted an internal review following the substitution request and found no administrative or legal violations justifying personnel removal.

Based on the foregoing, according to the IDEA and Kansas special education regulations, the *LEA was compliant* and included appropriate and qualified personnel on the IEP team.

Issue Three

> Whether USD #437, in accordance with state and federal regulations implementing the IDEA, considered and addressed information and concerns provided by the Parents during the IEP process, including revisions to the IEP as needed, and the Parent's rights for meaningful parent participation. K.A.R 91-40-25, K.S.A. 72-3429(d)(1); 34 C.F.R. § 300.501, 34 C.F.R. § 300.324(b)(1)(ii)(C).

According to K.A.R 91-40-25 and 34 C.F.R. § 300.501, each agency shall allow the parents of an exceptional child an opportunity to inspect and review all education records and participate in any meeting concerning their child with respect to the identification, evaluation, or education placement of the child, and the provision of a FAPE to the child. Each agency shall take steps to

ensure that one or both of the parents of an exceptional child are present at each meeting concerning their child or are afforded the opportunity to participate. These steps shall include scheduling the meeting at a mutually agreed-upon time and place and informing the parents of the information specified in this regulation, and providing prior written notice of any meeting to the parents of the child. The required notice of this regulation shall indicate the purpose, time, and location of the meeting and the titles or positions of the persons who will attend on behalf of the agency or at the agency's request. If neither parent of an exceptional child can be physically present for a meeting concerning the child, the agency shall attempt other measures to ensure parental participation, including individual or conference telephone calls. A meeting shall not include informal or unscheduled conversations involving agency personnel and conversations on issues including teaching methodology, lesson plans, or coordination of service provision if those issues are not addressed in the child's IEP. A meeting also shall not include preparatory activities that agency personnel engage in to develop a proposal or response to a parent's proposal that will be discussed at a later meeting.

According to K.S.A. 72-3429(e)(2) and 34 C.F.R. § 300.324(a)(1)(i)-(ii)(C), in developing each child's IEP, the IEP team shall consider the strengths of the child and the concerns of the parents for enhancing the education of their child.

The Parents alleged the LEA had failed to consider and address information and concerns provided by the Parents in the IEP process.

The LEA denied the allegation and asserted that it has consistently sought and valued meaningful parent participation, remained open to making IEP revisions, and maintained full implementation of the Student's IEP during ongoing scheduling attempts.

The evidence in this case demonstrates that the LEA invited the Parents to participate in an annual IEP review scheduled for August 6, 2026, offering multiple scheduling options, alternative meeting formats, and the inclusion of expanded team members as requested. Additionally, LEA staff incorporated parental input, including information submitted via a Parent Transition Survey and historical correspondence, into the draft working IEP document. When LEA staff offered the Parents an opportunity to provide their concerns and proposed revisions prior to the August 6, 2026 meeting, Parent 1 rejected this offer, indicating an intent to present revisions live during the meeting. Because the Parents were not present, the August 6, 2026 meeting was not held.

The LEA continued its efforts to afford the Parents a meaningful opportunity to participate by issuing a new NOM on August 10, 2026, for an August 20, 2026 meeting, specifically asking the Parents for their available dates and offering virtual participation options. Rather than proposing alternative dates, Parent 1 conditioned future participation on the presence of a state-appointed facilitator and the removal of two administrators, refusing to attend meetings or communicate with those administrators. The LEA responded to the requests by agreeing to postpone the August 20, 2026 meeting to coordinate with state facilitation, seeking further

clarification on facilitator availability, and issuing PWN on August 26, 2026 to address the request to discontinue school-based PT through the full IEP team process, rather than unilateral action. The LEA provided notice, offered flexible scheduling, integrated data provided by the Parents into working drafts, held space for live parental input, and paused proceedings when the Parents failed to appear, rather than finalizing decisions unilaterally.

Based on the foregoing, according to the IDEA and Kansas special education regulations, the *LEA was compliant* and considered and addressed information and concerns provided by the Parents during the IEP process, including revisions to the IEP as needed, and the Parent's rights for meaningful parent participation.

Issue Four

Whether USD #437, in accordance with state and federal regulations implementing the IDEA, provided the Parents with prior written notice when refusing to meet with the Parents. K.A.R. 91-40-26; 34 C.F.R. § 300.503.

According to K.A.R. 91-40-26 and 34 C.F.R. § 300.503, in providing any notice to the parent or parents of an exceptional child, and amendments thereto regarding any action proposed or refused by an agency, each agency shall ensure that the notice includes a description of other options that the agency considered and the reasons why those options were rejected, and a description of other factors that are relevant to the agency's proposal or refusal. The notice shall be written in language understandable to the general public. The agency shall be required to provide a parent with a copy of the procedural safeguards available to parents only one time during each school year, except that a copy shall also be provided to the parent in the following circumstances: Upon initial referral of the child for an evaluation or upon parental request for an evaluation; upon receipt by the state department of education of the first complaint filed with it by the parent; upon receipt by an agency of the first due process complaint filed against it by the parent; upon the parent's child being subjected to disciplinary removal from the child's current placement; and at any time, upon request of the parent. The agency must inform the parent of any free or low-cost legal or other relevant services available in the agency's area if the parent requests the information or the parent or agency initiates a due process complaint involving the parent's child.

The Parents alleged that the LEA refused to issue a formal PWN to document and justify a refusal to meet with them regarding the Student.

The LEA denied the allegation on the premise they did not "refuse" to meet. Because no refusal occurred, the legal requirement to issue PWN was never triggered.

The premise of the allegation in this case is that the LEA refused to meet with the Parents, which is unsupported by the evidence. At no point did LEA personnel refuse to convene an IEP meeting or decline to meet with the Parents. Rather, LEA staff repeatedly initiated scheduling

efforts for an annual IEP review, including sending email proposals, formal notices of meeting, virtual calendar invitations, and direct follow-ups from teachers, administrators, and the Superintendent offering multiple meeting dates, flexible times, and virtual attendance options. Because the LEA did not refuse to hold an IEP meeting, no statutory requirement to issue PWN was triggered.

Additionally, federal and state regulations explicitly outline that PWN is required only for agency proposals or refusals involving identification, evaluation, placement, or the provision of a FAPE. As clarified by the LEA, administrative decisions regarding internal staff assignments and team composition do not constitute a change in identification, evaluation, placement, or FAPE, and thus do not legally require a formal PWN.

Based on the foregoing, according to the IDEA and Kansas special education regulations, the *LEA was compliant* and did not refuse to meet, nor did they fail to provide appropriate PWN.

Issue Five

Whether USD #437, in accordance with state and federal regulations implementing the IDEA, provided the Parents with timely notice of meeting for the August 20, 2026 IEP meeting. K.A.R. 91-40-17(a)(2); 34 C.F.R. § 300.322(a)(1).

According to K.A.R. 91-40-17(a)(2) and 34 C.F.R. § 300.322(a)(1), each agency shall take steps to ensure that one or both of the parents of an exceptional child are present at each IEP team meeting or are afforded the opportunity. These steps shall include providing written notice to the parents of any IEP team meeting at least 10 days in advance of the meeting.

The Parents alleged the LEA mailed the NOM on August 11, 2026 for a meeting to be held on August 20, 2026, which violated the required 10 day notice.

The LEA denied the allegation and asserted that timely written notice of the proposed August 20, 2026 IEP meeting was provided in full compliance with regulatory statutes.

The evidence in this case demonstrates the LEA issued an August 10, 2026 NOM for an annual IEP review scheduled for August 20, 2026. The physical notice was postmarked on August 10, 2026, exactly ten days prior to the scheduled meeting date. Although United States Postal Service tracking records indicate that the certified mailing was processed into the postal system on August 11, 2026, and ultimately delivered on August 14, 2026, the Parents also received electronic notification of the proposed August 20, 2026 meeting via email from the Director of Secondary Special Services on August 10, 2026. This written digital notice provided the date, time, physical location, virtual access link, and list of intended team role categories, and requested that the Parents notify the LEA if the proposed date and time would not work so an alternative could be arranged. Parent 1 acknowledged receipt of this notification in an August 10, 2026 email, thereby demonstrating actual notice ten calendar days prior to the proposed meeting date. Further, any potential procedural violation regarding timeliness was

rendered moot because upon receiving Parent 1's August 10, 2026 email objecting to the meeting date and requesting a postponement until a state-appointed facilitator could be assigned, the LEA did not attempt to hold the IEP meeting or enforce the August 20, 2026 date.

Based on the foregoing, according to the IDEA and Kansas special education regulations, the *LEA was compliant* and provided the Parents with timely notice of meeting for the August 20, 2026 IEP meeting.

Issue Six

Whether USD #437, in accordance with state and federal regulations implementing the IDEA, denied the Student a FAPE as a result of the aforementioned allegations. K.A.R. 91-40-2, K.A.R. 91-40-1(z); 34 C.F.R. § 300.17, 34 C.F.R. § 300.101.

According to K.A.R. 91-40-2 and 34 CFR § 300.101, each agency shall make a FAPE available to each child with a disability residing in its jurisdiction beginning not later than the child's third birthday. Each agency shall make a FAPE available to any child with a disability even though the child has not failed or been retained in a course or grade and is advancing from grade to grade. The determination of whether a child who is advancing from grade to grade is a child with a disability shall be made on an individual basis in accordance with child find activities and evaluation procedures required by this article. Each agency shall provide special education and related services based upon the child's unique needs and not upon the child's area of exceptionality.

According to K.A.R. 91-40-1(z) and 34 C.F.R. § 300.17, a "free appropriate public education" and a "FAPE" mean special education and related services that meet the following criteria: Are provided at public expense, under public supervision and direction, and without charge; meet the standards of the state board; include an appropriate preschool, elementary, or secondary school education; and are provided in conformity with an individualized education program.

The Parents alleged "deliberate administrative refusal by LEA leadership to execute state-ordered dispute resolutions, thereby creating a systemic denial of a FAPE."

The LEA denied the allegation and asserted that the Student had been continuously provided a FAPE. Furthermore, the LEA asserted no procedural matter impaired the Student's right to a FAPE, impeded meaningful parent participation, or caused a deprivation of educational benefits.

Based on the foregoing, according to the IDEA and Kansas special education regulations, the *LEA was compliant* and the Student was not denied a FAPE.

Corrective Action

Information gathered in the course of this investigation confirmed the LEA was compliant with special education statutes and regulations. Therefore, no corrective action is ordered.

Tania Tong, Licensed 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)