KANSAS STATE DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND TITLE SERVICES

REPORT OF COMPLAINT
FILED AGAINST
UNIFIED SCHOOL DISTRICT #458 AND COOPERATIVE #726
ON AUGUST 17, 2026

DATE OF REPORT: SEPTEMBER 15, 2026

This report is in response to a complaint filed with our office, on behalf of -------, by her parent, -------. For the remainder of this report the student will be referred to as "the student," the mother will be referred to as "the parent." LEA staff will be referred to by title only. The complaint is against USD #458 and Cooperative #726. In the remainder of the report USD #458 and #726 will be collectively 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." Nikki Wolf, complaint investigator, held this discussion with the parent on the phone twice on August 21, 2026, gathering additional information and verifying the specific allegations to be investigated. The complaint investigator and parent agreed on the allegations to be investigated during the August 21, 2026, phone call. The complainant also provided documentation and exchanged multiple emails with the complaint investigator to be considered as part of the investigation. The LEA special education director, assistant special education director and the investigator had a call on August 24, 2026, and the LEA 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:

1. Complaint 27FC458-002, (KSDE's receipt occurred upon opening the complaint on August 17, 2026).
2. LEA Response to the Complaint, received August 31, 2026.
3. The LEA's Best Practice and Procedural Guide, no date.
4. The LEA's Annual IEP Prep Checklist, no date.
5. KSDE Procedural Safeguards, revised February 2020.
6. Data summary of progress on IEP goals for the 2025-2026 school year.
7. Grade cards for Social Studies, Science/Health, Math, and ELA for the 2025-2026 school year.
8. Notice of Meeting (NOM) dated February 11, 2026.
9. Student's annual IEP dated February 26, 2026.
10. PWN dated February 26, 2026, signed by the parent on February 27, 2026.

11. Email from director to parent and advocate with documents requested prior to the May 18, 2026, IEP meeting, sent May 15, 2026.
12. Email from the elementary school psychologist to the parent and advocate with Notice of Meeting for the May 18, 2026 IEP, sent May 8, 2026
13. LEA IEP meeting notes from May 18, 2026.
14. Email from assistant director to the parent and advocate with attached refusal PWN and offer of a phone call to further understand parent concerns, sent June 1, 2026.
15. PWN refusing full day 1:1 paraprofessional support dated June 1, 2026.
16. Email from advocate and parent to the director and assistant director responding to the LEA's June 1, 2026, PWN, sent June 4, 2026.
17. Email reply from assistant director to parent and advocate, sent June 10, 2026.
18. Email reply from the advocate to parent, director and assistant director, sent June 11, 2026. This email points out the lack of specific information used by the LEA refusing 1:1 support as noted in the June 1, 2026 PWN.
19. Email reply from assistant director to the advocate and parent sent June 16, 2026.
20. Email from middle school psychologist to parent and advocate with NOM, sent July 31, 2026.
21. Email exchange between school psychologist and parent with agenda for August 11, 2026 IEP meeting sent August 10 at 11:15 AM.
    a. Email reply from parent at 1:00 PM asking questions, adding agenda items and requesting the May 18, 2026 IEP minutes be amended.
    b. Reply from director at 6:36 PM.
    c. Reply from parent at 7:00 PM.
22. Email from director to parent and advocate including the student's data requested in the June 4, 2026 email. Files attached to the email include: data summary, ELA, Math, Science and Social Studies, sent August 11, 2026.
23. Meeting minutes for IEP meeting on August 11, 2026.
24. PWN issued August 11, 2026.
25. Amended IEP dated August 11, 2026.
26. Email from the parent to LEA regarding PWN and meeting minute corrections for the August 11, 2026, IEP meeting, sent August 13, 2026, at 12:19 PM
27. Email reply from the special education director on the same day at 7:09 PM
28. Email from parent to the director requesting Procedural Safeguards on August 14, 2026 at 7:23 AM.
29. Reply from the director with Procedural Safeguards attached that same day at 7:40 AM.
30. Email from director to the parent and advocate approving request for IEE, sent August 21, 2026.
31. The student's first semester 2026-2027class schedule.

32. Services Breakdown 2026-2027 which reflects the classes in which the student is enrolled and indicates there is 1:1 staffing for each of these classes.

Kansas regulations require that a complaint "allege a violation that occurred not more than one year before the date the complaint is received. August 18, 2026" K.A.R. § 91-40-51(b)(1). Therefore, this complaint investigator did not consider any information either party submitted dated prior to August 16, 2025.

Although additional information may have been provided by either party, the investigator only listed the information directly related to the issues within this complaint and used in this investigation.

Background Information

This student is currently attending the 6th grade at the LEA's middle school. The student began receiving services for hearing difficulties from a specialist at 18 months of age. In October 2024 the student was formally diagnosed as deaf or hard of hearing with an auditory processing disorder. The 2025-2026 school year was the student's first year with the LEA. The two IEPs in effect related to this investigation include the February 26, 2026 annual IEP and August 11, 2026 amended IEP. The student's amended August 11, 2026 IEP includes goals for: spelling, reading comprehension, math computation, math concepts and application questions, self-advocacy by requesting clarification or repetition, and writing. Relevant IEP related events include an Independent External Evaluation (IEE) conducted on August 27, 2026 due to the parent's concerns regarding suspected autism. Additionally, at the August 11, 2026 IEP meeting the team agreed to the parent's request for 1:1 special education support for the first nine weeks of the student's 6th grade year.

Issues

In the written complaint and the complaint investigator's discussion with the complainant, the parent included seven allegations which were organized into four issues to investigate. NOTE: The LEA submitted a resolution to KSDE addressing Issue Four: Did USD #458 respond to the parent's June 4, 2026, request to amend the student's record as required by IDEA? KSDE has accepted the LEA's resolution thus this report will address the three remaining issues.

ISSUE ONE: Did USD #458 issue a complete PWN on June 1, 2026, in response to the student's May 18, 2026, IEP meeting as required by IDEA?

ISSUE TWO: Did USD #458 ensure parent participation in the IEP process for the May 18 and August 11, 2026, IEP meetings as required by IDEA?

ISSUE THREE: Did USD #458 provide Procedural Safeguards at the beginning of the 2026-2027 school year as required by IDEA?

Issue One

Did USD #458 issue a complete PWN on June 1, 2026, in response to the student's May 18, 2026, IEP meeting as required by IDEA?

Applicable Law

According to 34 C.F.R. § 300.503(b) the PWN must contain: 1) A description of the action proposed or refused. 2) An explanation of why the district is taking or refusing that action. 3) A description of each evaluation, assessment, record, or report used as a basis for the proposed or refused action. 4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained. 5) Sources for parents to contact to obtain assistance in understanding the provisions of this part. 6) A description of other options that the IEP Team considered and the reasons why those options were rejected. 7) A description of other factors that are relevant to the agency's proposal or refusal.

Parent Position

Allegation 1 in the parent's complaint states, "I allege that the district failed to provide Prior Written Notice that adequately identified the information actually relied upon when refusing additional 1:1 support as required by IDEA, including 34 C.F.R. 300.503."

LEA Position

The LEA response states, "The PWN provided contains all 7 components needed within the notice. While the parent disagrees with the data used to make the decision, the required content of the PWN was included."

Analysis: Findings of Fact

1. The parent's allegation was specific to the description of data used to refuse the requested support noted in the June 1, 2026 PWN.
2. The LEA's response states, "This notice was given within a reasonable amount of time in response to the request. A reasonable amount of time is often considered 15 school days. This notice was provided well within that timeframe."
3. The PWN issued on June 1, 2026 refusing the parent's request for a full day 1:1 paraprofessional, lists "Progress Report, Current Special Education Services" to address the PWN requirement of: "3) A description of each evaluation, assessment, record, or report used as a basis for the proposed or refused action." in 34 C.F.R. § 300.503(b).
4. When the director was asked in the August 24, 2026 LEA interview what other data was considered in refusing the all day 1:1 staffing, they replied that the student's progress report and current special education services was indeed the data considered to make the decision. The director stated, "We understood the request was made for 1:1

throughout the whole school day which was such a big increase in support that we only needed to use the data that was listed in the PWN."

Conclusion

In this case, the director confirmed in the August 24, 2026 interview that the data used to refuse the all day 1:1 staffing was the information listed in the June 1, 2026 PWN, "progress report and current special education services."

However, IDEA 34 CFR §300.503(b)(3) states that the content of a PWN must include, "3) A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action;" Simply stating, "progress report and current special education services" does not offer a description as required. There was likely specific information in the progress report and special education services the LEA used as a basis for refusal such as progress on IEP goals, levels of support and prompting as well as consideration of grade level performance in particular subjects. The descriptions do not need to be exhaustive but need to give the parent some idea of why a proposed action is refused or accepted. It would have been appropriate for the LEA to include more specific information.

Therefore, it is found that the ***LEA was not compliant*** with IDEA 34 CFR §300.503(b)(3) and corrective actions will be ordered.

Issue Two

Did USD #458 ensure parent participation in the IEP process for the May 18 and August 11, 2026, IEP meetings as required by IDEA?

Applicable Law

Cumulative Impact on Parent Participation:

> *34 C.F.R. §300.501(b) Parent participation in meetings. (1) The parents of a child with a disability must be afforded an opportunity to participate in meetings with respect to—(i) The identification, evaluation, and educational placement of the child; and (ii) The provision of FAPE to the child. (2) Each public agency must provide notice consistent with §300.322(a)(1) and (b)(1) to ensure that parents of children with disabilities have the opportunity to participate in meetings described in paragraph (b)(1) of this section.*
>
> *34 C.F.R. §300.322(a) Public agency responsibility—general. Each public agency must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including—(1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and (2) Scheduling the meeting at a mutually agreed on time and place.*

Specific to allegation 2, timeliness of record provision; 34 CFR §300.613(a) Each participating agency must permit parents to inspect and review any education records relating to their

children that are collected, maintained, or used by the agency under this part. The agency must comply with a request without unnecessary delay and before any meeting regarding an IEP, or any hearing pursuant to §300.507 or § 300.530 through §300.532, or resolution session pursuant to §300.510, and in no case more than 45 days after the request has been made.

IDEA.34 C.F.R. § 300.611(b) education records are defined by incorporating the federal definition under the Family Educational Rights and Privacy Act (FERPA) at 34 C.F.R. § 99.3. Under 34 C.F.R. § 99.3, information qualifies as an education record if it meets two criteria:

1. It is directly related to a student in attendance.
2. It is maintained by an educational agency or institution, or by a party acting for such agency or institution.

Under 34 C.F.R. § 300.11(a) Day means calendar day unless otherwise indicated as business day or school day. (b) Business day means Monday through Friday, except for Federal and State holidays (unless holidays are specifically included in the designation of business day, as in § 300.148(d)(1)(ii). (c) (1) School day means any day, including a partial day that children are in attendance at school for instructional purposes. (2) School day has the same meaning for all children in school, including children with and without disabilities.

August 11, 2026 IEP Meeting Concerns -

Pertinent to allegations of team participation: 34 C.F.R. § 300.321(a) General. The public agency must ensure that the IEP Team for each child with a disability includes— (1) The parents of the child; (2) Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment); (3) Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child; (4) A representative of the public agency who—(i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities; (ii) Is knowledgeable about the general education curriculum; and (iii) Is knowledgeable about the availability of resources of the public agency. (5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs (a)(2) through (a)(6) of this section; (6) 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 (7) Whenever appropriate, the child with a disability.

Parent Position

Cumulative Impact on Parent Participation - Allegation 5 in the parent's complaint asserts that due to allegations 2, 3 and 4 there was a cumulative impact on the parent's decision making and participation related to the May 18, 2026 IEP meeting. Allegation 2 in the parent's complaint states, "I allege that the district failed to provide a meaningful opportunity for me to review and understand the information underlying its decision." which references student data

used by the LEA to refuse all day 1:1 staffing in the June 1, 2026 PWN. Additionally, Allegations 3 and 4 in the parent's complaint expresses concerns that relevant educational information such as increased levels of student support and the impact of that support on the student's progress were not fully reflected in the meeting minutes for the May 18, 2026, IEP.

August 11, 2026 IEP Meeting Concerns - The parent complaint includes allegations that administrative time limitations and staff scheduling placed the parent in the position of choosing between continuing an incomplete meeting or delaying implementation of necessary supports.

LEA Position

The LEA's response states, "*It is USD #458's stance the parent participated meaningfully in both the May 18th and August 11th IEP meetings. Meeting notes and subsequent documentation will show the parent was afforded the opportunity to participate meaningfully in these meetings and participation continued after the meeting as the district continued to work through concerns brought up at both meetings*."

Analysis: Findings of Fact

Cumulative Impact on Parent Participation Timely Records Provision (allegation 2):

1. The assistant director emailed the parent and advocate with the attached PWN refusing all day 1:1 services on June 1, 2026.
2. The advocate responded with a records request on June 4, 2026: "Additionally, I am requesting copies of educational records and documentation necessary to understand the basis of the team's decisions and to meaningfully participate in educational planning for the student. Specifically, please provide:
    a. Copies of academic assignments provided to the student during the 2025-2026 school year;
    b. Copies of work submitted by the student for grades;
    c. Documentation identifying assignments that were marked as "N/A," exempted, excused, modified, substituted, or not graded, including the specific reason each determination was made;
    d. Documentation identifying any modified assignments, alternative curriculum, alternative instructional materials, substantially altered academic expectations, or replacement assignments provided to the student, including the educational basis for those modifications;
    e. Documentation reflecting the total number of minutes the student was removed from general education instruction during the 2025-2026 school year, including the purpose of each pull-out service, the instructional area affected, and the service provider involved;

f. Documentation reflecting the frequency and duration of the student's participation in special education settings compared to general education settings;

g. Any data, reports, schedules, service logs, or records relied upon by the district in determining that the student can appropriately access the sixth-grade curriculum without additional individualized supports."

3. In an email from the assistant director to the parent and advocate, the assistant director wrote, "Regarding your request for academic work and assignments from 5th grade, that request will be addressed when staff return in August." sent June 10, 2026.
4. Email from director to parent and advocate including the student's data requested in the June 4, 2026 email. Files attached to the email included: data summary, ELA, Math, Science and Social Studies, sent August 11, 2026 at 12:58 PM.
5. The student's August 11, 2026 IEP meeting was scheduled at 3:15 PM.
6. 68 calendar days elapsed between the LEA's receipt of the advocate's records request on June 4, 2026, and the delivery of these documents on August 11, 2026.

Compete May 18, 2026 Meeting Minutes (allegations 3 and 4):

1. Regarding the incomplete records allegation, the parent's August 17, 2026 complaint states, "This allegation is not based upon an assertion that IDEA requires a verbatim transcript at every IEP. Rather my concern is that information directly relevant to the decision [referencing the June 1, 2026 PWN refusal] subsequently made regarding the student's need for individualized support was not fully reflected in the district's documentation."
2. The parent complaint states, "The district's May 18 notes acknowledge substantial adult and special education support. However, they did not fully reflect the discussion by the student's education staff…"
3. The parent complaint lists a number of examples of relevant information not included in the May 18, 2026 meeting minutes:
    a. Additional individualized 1:1 assistance above what is listed in the IEP
    b. Instances of the student being pulled out of class to receive additional support
    c. Modifications of assignments to the student's current academic level
    d. Grade level assignments being designated "NA"
    e. Benefits from prompts and regulate check-ins
    f. Does not reliably request assistance
    g. Performs better with adult support
    h. Receives 1:1 and small group special education reading instruction

Cumulative Impact (allegation 5):

1. The parent's complaint states concern that the cumulative impact of the issues listed above

a. Material information discussed in the May 18, 2026 IEP meeting concerning the level of support and modifications made for the student were not reflected in the meeting notes.
b. The parent's request for student data supporting the LEA's June 1, 2026 PWN denying all day 1:1 support was not fulfilled until approximately two hours prior to the August 11, 2026 IEP.
c. Due to when this requested data was provided, the parent did not have time to sufficiently review prior to the meeting where the request for increased special education supports was scheduled to be discussed.

2. The LEA's response includes specific examples of parent participation for the May 18, 2026 IEP meeting which are listed below and have verified through review of the evidence:
    a. Email with Notice of Meeting dated May 8, 2026.
    b. Email responding with documents requested prior to the May 18, 2026 IEP meeting dated May 15, 2026.
    c. Email with agenda for the May 18, 2026 IEP meeting sent May 15, 2026.
    d. IEP meeting notes showing parent involvement and participation in the meeting dated May 18, 2026.
    e. Email response to the parent's May 18, 2026 request for an Independent Educational Evaluation (IEE) and 1:1 para request as well as an offer of a phone call to further understand parent concerns, sent June 1, 2026.
    f. Email response to the parent's request to forgo a phone conversation and discuss the concern with the evaluation and respond with an IEE decision, as well as answer clarifying questions regarding the June 1, 2026 PWN denying the 1:1 para request, sent June 10, 2026.
3. The parent's May 18, 2026 request for increased staffing was discussed at the August 11, 2026 IEP meeting and ultimately approved by the IEP team and confirmed by the August 12, 2026 PWN.
4. The parent's request for an IEE based on suspicions of autism was approved and paid for by the LEA as evidenced by email from the director to the parent and guardian sent on August 21, 2026.

August 11, 2026 IEP Meeting concerns -

1. The LEA offered a list of actions taken to ensure parent participation related to the August 11, 2026 IEP meeting which are listed below and have verified through review of the evidence:
    a. Email response to the parent's request for information sent June 16, 2026.
    b. Email with notice of meeting sent July 31, 2026.
    c. Email with the IEP meeting agenda sent August 10, 2026.

   d. Email with IEP meeting notes reflecting parent involvement and participation in the meeting sent August 11, 2026.
   e. Email response to parent request for information sent August 11, 2026.
   f. Email response to parent request re: IEE sent August 21, 2026.
2. The Notice of Meeting confirms that the August 11, 2026 IEP was scheduled from 3:15 PM to 4:30 PM.
3. An email from the school psychologist to the IEP team with the August 11, 2026 IEP meeting agenda which included:
   a. Sound system for Auditory Processing
   b. Class schedule/Special Education supports
   c. Independent Educational Evaluation request follow-up which happens after the IEP meeting
4. The parent reported in the August 21, 2026 interview that there were still several agenda items to address when the director asked that the school psychologist be excused at 4:30 PM.
5. The parent shared in a September 8, 2026 email that the school psychologist was excused at 4:38 PM and the meeting ended around 4:45 PM.
6. In the LEA interview on August 24, 2026 the director reported that the parent was offered the choice to continue or stop the August 11, 2026 IEP meeting when the school psychologist left the meeting; the parent elected to continue the meeting for another five minutes.
7. The parent also shared in the September 8, 2026 email that the following issues were discussed after the school psychologist left the meeting
   a. 1:1 supports & fading process.
   b. Decision on 1:1 supports for 9 weeks, how it would be implemented.
   c. Peer supports and schedule changes.
   d. Denial of PWN needing to be corrected as it didn't meet the 7 elements.
   e. IEE approval and starting paperwork with the identified provider.
   f. Verification of speakers being available in her classes she was switching.
8. The director stated in a September 8, 2026 email that, "There was not anything discussed in the last 5 minutes the school psychologist was required to be a part of…No evaluation results were discussed."
9. The director also shared in the September 8, 2026 email that each role required by IDEA was fulfilled by a staff person other than the school psychologist.
10. Below are the attendees for the IEP meeting and their roles per 34 C.F.R. § 300.321(a):
    (1) The parents of the child; The parent attended.
    (2) Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment); The student's 6th grade teacher attended.

(3) Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child; Two special education teachers one of which is the student's case manager and a special education support coach attended.

(4) A representative of the public agency who—

(i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;

(ii) Is knowledgeable about the general education curriculum; and

(iii) Is knowledgeable about the availability of resources of the public agency. The director, assistant director, principal and assistant principal attended representing the public agency and filled these roles.

(5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs (a)(2) through (a)(6) of this section; The director and assistant director attended.

(6) 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; The advocate attended.

(7) Whenever appropriate, the child with a disability. The student was not required to attend due to their age.

11. The director also shared in the September 8, 2026 email, "With regard to this meeting, the school psychologist did not serve as a member who could interpret data for this student because this student had not yet started attending this school. For any data that was discussed, the assistant director was the person who could speak to that data. The assistant director was intimately familiar with the evaluation, the 5th grade team's work and all data that was previously provided to the parent."
12. Additionally, the director shared in the email, "With regard to someone interpreting evaluation results, there was not an evaluation the team was discussing as part of this meeting. Previous data or evaluation results were not discussed after the school psychologist left."
13. The amended August 11, 2026 IEP includes updated special education services and goals for the middle school setting.
14. The LEA shared the following evidence to establish that the student's services were in place on the first day of the 2026-2027 school year.
    a. The student's first semester 2026-2027class schedule
    b. Services Breakdown 2026-2027 which reflects the classes in which the student is enrolled and indicates there is 1:1 staffing for each of these classes.
    c. The amended IEP dated August 11, 2026.

Conclusions

Cumulative Impact on Parent Participation -

Timely Records Provision (allegation 2):

In this case, the parent's request for educational records was made on June 4, 2026 by email and the records were provided by the LEA on August 11, 2026, 68 days after the request. The timeline for provision of educational records mandated by IDEA 34 C.F.R. § 300.613(a) states "…without unnecessary delay, and in no event later than 45 days after the request is submitted." It is noted that the requested records meet the definition of "educational records" in IDEA.34 C.F.R. § 300.611(b).

The information requested meets the definition of educational records stated in IDEA.34 C.F.R. § 300.611(b) education records are defined by incorporating the federal definition under the Family Educational Rights and Privacy Act (FERPA) at 34 C.F.R. § 99.3. Under 34 C.F.R. § 99.3, information qualifies as an education record if it meets two criteria:

1. It is directly related to a student in attendance.
2. It is maintained by an educational agency or institution, or by a party acting for such agency or institution.

Correspondence from the LEA implies that because the teachers who could provide the requested records were not on contract over the summer that the 45 day timeline was paused. However, under 34 C.F.R. § 300.11 (a) Day means calendar day unless otherwise indicated as business day or school day. (b) Business day means Monday through Friday, except for Federal and State holidays (unless holidays are specifically included in the designation of business day, as in §300.148(d)(1)(ii). (c) (1) School day means any day, including a partial day that children are in attendance at school for instructional purposes. (2) School day has the same meaning for all children in school, including children with and without disabilities.

It is found that the *LEA was not compliant* with IDEA 34 C.F.R. § 300.613(a) related to timeliness of record provision and corrective actions will be ordered.

Compete May 18, 2026 Meeting Minutes (allegations 3 and 4):

Regarding the parent's concern related to completeness of the May 18, 2026 IEP meeting minutes, it is understandable that the parent was concerned that the meeting minutes omitted key information relevant to the LEA's decision to deny full-day 1:1 support (as discussed in Issue One), however, neither federal nor state special education laws require an LEA to take meeting minutes, nor do they prescribe specific standards for their format, organization, or exact content. Therefore, there can be n*o finding of noncompliance* related to the completeness of the LEA's May 18, 2026 meeting minutes.

Cumulative Impact (allegation 5):

In this case, the parent's complaint listed several procedural concerns and asserts there was a collective impact on their ability to meaningfully participate in the IEP meetings on May 18, 2026 and August 11, 2026.

IDEA 34 C.F.R. § 300.501(b) addresses parent participation. (b) Parent participation in meetings. a(1) The parents of a child with a disability must be afforded an opportunity to participate in meetings with respect to—(i) The identification, evaluation, and educational placement of the child; and (ii) The provision of FAPE to the child. (2) Each public agency must provide notice consistent with §300.322(a)(1) and (b)(1) to ensure that parents of children with disabilities have the opportunity to participate in meetings described in paragraph (b)(1) of this section. The LEA shared many examples of parent participation via email. The meeting minutes for both the May 18 and August 11, 2026 IEP meetings reflect parent input and team member discussions with the parent. Guidance is also found in § 300.322 Parent participation. (a) Public agency responsibility-general. Each public agency must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including—(1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and (2) Scheduling the meeting at a mutually agreed on time and place. Notice of Meeting was sent to the parent on May 8, 2026 for the May 11, 2026 IEP meeting and July 31, 2026 for the August 11, 2026 IEP meeting.

As noted previously, there are multiple examples in email exchanges and meeting minutes that reflect parent participation. Additionally, the ultimate provision of the request for increased student support and IEE at public expense, both of which were requested by the parent, demonstrates that the parent participated in decision making process. Therefore, it is found that the *LEA was compliant* with 34 C.F.R. § 300.501(b); and § 300.322; corrective actions will not be ordered.

August 11, 2026 IEP Meeting Concerns -

The parent expressed concern in the complaint that the school psychologist left the August 11, 2026 IEP meeting without prior excusal which essentially ended the meeting.

Under 34 C.F.R. § 300.321(a), specific required roles must be fulfilled within the IEP team, though the regulation does not mandate particular job titles for those roles. For example, while an individual capable of interpreting evaluation results must be present, this role is not required to be filled specifically by a school psychologist. According to the LEA, evaluation results were not discussed during the meeting, a fact substantiated by both the agenda and the meeting minutes. Furthermore, the LEA noted that because the school psychologist served the middle school, they had not yet worked with the student and possessed no additional relevant information to contribute.

The NOM shares that the meeting was scheduled from 3:15-4:30 PM with the school psychologist leaving, according to the parent, at 4:38 PM. While it is of course important for the IEP team to have full discussions particularly as a student transitions from elementary to middle school as in this case, IDEA and Kansas regulations are silent in regard to how long an IEP meeting should last. Therefore, it is found that the *LEA was compliant* with IDEA 34 C.F.R. § 300.321(a) and corrective actions will not be ordered.

Issue Three

Did USD #458 provide Procedural Safeguards at the beginning of the 2026-2027 school year as required by IDEA?

Applicable Law

34 C.F.R.§ 300.504 Procedural safeguards notice. "(a) General. A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents only one time a school year, except that a copy also must be given to the parents—(1) Upon initial referral or parent request for evaluation; (2) Upon receipt of the first State complaint under §§ 300.151 through 300.153 and upon receipt of the first due process complaint under § 300.507 in a school year; (3) In accordance with the discipline procedures in § 300.530(h); and (4) Upon request by a parent."

Parent Position

Allegation 6 in the parent's complaint states, "I allege that the district failed to timely provide me with the required Procedural Safeguards Notice informing me of my rights under IDEA for the 2026-2027 school year."

LEA Position

The LEA's response states, "The LEA provided the parent with procedural safeguards at the beginning the 2026-2027 school year. It is current practice that the yearly requirement to provide procedural safeguards is done yearly at the student's annual IEP meeting."

Analysis: Findings of Fact

1. The director stated in the August 24, 2026 interview that the LEA's practice is to provide a copy of the Procedural Safeguards to parents at a student's annual IEP.
2. The student's annual IEP meeting was held on February 25, 2026.
3. The LEA shared a receipt for Procedural Safeguards on February 25, 2026 which was signed by the parent on February 26, 2026.
4. The LEA's Best Practice and Procedural Guide states, "Please be mindful that parents MUST receive a copy of their parental rights at least one time per school year AND: Upon referral or parent request for initial evaluation; First formal complaint or due process complaint filed in a school year; Upon a disciplinary removal from school that

constitutes a change in placement; and Upon parent request. Please document the providing of parent rights with the Parent Rights Acknowledgement form in BrightSPED."

5. The LEA's Annual IEP Prep Checklist includes guidance to include the Procedural Safeguards with the Annual IEP Notice of Meeting email sent to parents.
6. The parent emailed a request for Procedural Safeguards to the director on August 14, 2026 at 7:23 AM.
7. The director replied that same day with the Procedural Safeguards attached at 7:40 AM.

Conclusion

IDEA offers clear guidance on when parents must be offered Procedural Safeguards. IDEA § 300.504(a) states that parents must only be given the Procedural Safeguards once per school year and also (1) Upon initial referral or parent request for evaluation; (2) Upon receipt of the first State complaint under §§ 300.151 through 300.153 and upon receipt of the first due process complaint under § 300.507 in a school year; (3) In accordance with the discipline procedures in § 300.530(h); and (4) Upon request by a parent.

The LEA furnished the parent with a copy of the Procedural Safeguards Notice in February 2026 during the 2025–2026 school year and again on August 14, 2026, following the parent's request. While the IEP team met on August 11, 2026, for the first time in the 2026–2027 school year, 34 C.F.R. § 300.504(a) does not mandate that the annual notice be provided at an IEP meeting or at the commencement of the school year. The district fulfilled its obligation to provide the notice for the 2025-2026 school year as well as the 2026-2027 school year upon request.

Therefore, it is found that the ***LEA was compliant*** with IDEA 34 C.F.R. § 300.504(a) and corrective actions will not be ordered.

Summary of Conclusions and Corrective Action

Issue One

The LEA is noncompliant with IDEA 34 CFR §300.503(b)(3), based on the findings of fact listed above. Corrective action is required, as follows:

1. The LEA must submit a written statement to KSDE Special Education and Title Services (SETS) that it will comply with federal and state legal requirements 34 CFR §300.503(b)(3).
2. The LEA will engage an external trainer to conduct training for cooperative staff who draft PWNs, focusing on the level of data specificity required when issuing a PWN. Additionally the cooperative shall update any related guidance consistent with 34 CFR §300.503(b)(3).

3. The LEA must submit evidence of training to SETS including a sign in sheet of those who attended with their name and role in addition to any updated cooperative guidance.
4. Due Dates:
    a. 1 September 26, 2026;
    b. 2 October 16, 2026 and;
    c. 3 October 26, 2026.

Issue Two

The LEA is noncompliant specific to IDEA 34 C.F.R. § 300.613(a), based on the findings of fact listed above. Corrective action is required, as follows:

1. By September 26, the LEA must submit a written statement to KSDE Special Education and Title Services (SETS) that it will comply with federal and state legal requirements 34 C.F.R. § 300.613(a).
2. The LEA will engage an external trainer to conduct training for cooperative staff who are responsible to respond to requests for educational records. 20
3. Additionally the cooperative shall update any related guidance consistent with 34 C.F.R. § 300.613(a).
4. The LEA must submit evidence of training to SETS including a sign in sheet of those who attended with their name and role in addition to any updated cooperative guidance.
5. Due Dates:
    a. 1 September 26, 2026;
    b. 2 October 16, 2026 and;
    c. 3 October 26, 2026.

Issue Three

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

Complaint Investigator: Nikki Wolf, Ph.D.

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)