KANSAS STATE DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND TITLE SERVICES

REPORT OF COMPLAINT
FILED AGAINST
UNIFIED SCHOOL DISTRICT #233
ON AUGUST 24, 2026

DATE OF REPORT: SEPTEMBER 23, 2026

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

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

## Investigation of Complaint

K.A.R. 91-40-5(c)(5) requires that the complaint investigation include "[a] discussion with the complainant during which additional information may be gathered and specific allegations of noncompliance identified, verified, and recorded." The Complaint Investigator, emailed the parent on September 1, 2026, gathering additional information and verifying the specific allegations to be investigated. The Complaint Investigator provided the specific allegations to be investigated to the Parent via email on September 1, 2026. The Parent did not dispute how the Complaint Investigator framed the issues to be investigated. The Parent also provided documentation for the Complaint Investigator to consider as part of the investigation and the Parent and Complaint Investigator exchanged multiple emails. On September 3, 2026, the LEA provided the Complaint Investigator with a response to the issues the Complaint Investigator identified as well as the documentation and data the Complaint Investigator requested.

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

1. LEA Response to the Complaint, September 3, 2026.
2. Complaint, August 24, 2026. (KSDE's receipt occurred upon opening the complaint on August 24, 2026.)
3. Evaluation Report, April 27, 2026.
4. Functional Behavior Assessment Plan, April 27, 2026.
5. Notice of Meeting, September 10, 2025, October 10, 2025, November 10, 2025, March 24, 2026, April 7, 2026, April 9, 2026, April 15, 2026, April 27, 2026, May 4, 2026.
6. Manifestation Determination and Review, April 9, 2026.
7. Attendance Letter, October 8, 2025.
8. Release of Information, December 8, 2025.
9. Period Student Attendance Profile, 2025-26 School Year.
10. Disciplinary Action Form, September 22, 2025-April 14, 2026.

11. Individualized Education Program (IEP), December 15, 2025.
12. IEP Amendment, May 21, 2025, May 15, 2026.
13. IEP Meeting Notes, September 16, 2025, October 14, 2025, November 10, 2025.
14. Health Insurance Portability and Accountability Act (HIPAA) Compliant Authorization for Exchange of Health & Education Information, October 14, 2025.
15. Authorization to Disclose Protected Healthcare Information, August 13, 2026.
16. Service Log, 2025-26 School Year.
17. Prior Written Notice, January 12, 2026.
18. Prior Written Notice and Request for Consent, October 14, 2025, May 15, 2026.
19. Prior Written Notice for Evaluation or Reevaluation and Request for Consent, February 23, 2026.
20. IEP Progress Report - Annual Goal, May 21, 2026.
21. Referral, February 10, 2026, May 15, 2026.
22. Related Service Provider Log, 2025-26 School Year.
23. Student Enrollment Data, 2025-26 School Year.
24. Language Interpretation Service Requests, October 13, 2025, November 11, 2025.
25. District Court Complaint, February 24, 2026.
26. Emails between parties, January 21, 2026-September 28, 2026.

Kansas regulations require that a complaint "allege a violation that occurred not more than one year before the date the complaint is received . . . ." K.A.R. § 91-40-51(b)(1). Therefore, this Complaint Investigator did not consider any information either party submitted dated prior to August 25, 2025.

## Issues

In the written Complaint and the Complaint Investigator's discussion with the Parent, the Parent alleges ten issues upon which this investigation will focus:

Issue One: Whether USD #233, in accordance with state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), implemented the Student's IEP during incidents on September 22, 2025 and February 10, 2026. K.A.R. 91-40-16(b), K.S.A. 72-3429(a)(1); 34 C.F.R. § 300.323(a)(d).

Issue Two: Whether USD #233, in accordance with state and federal regulations implementing the IDEA, properly referred the matter to law enforcement and pursued criminal charges against the Student. 34 C.F.R. § 300.535.

Issue Three: Whether USD #233, in accordance with state and federal regulations implementing the IDEA, shared the Student's protected personal information without parental consent. K.A.R. 91-40-50(a)(2)(3)(b); 34 C.F.R. §§ 300.611, 300.622, 99.31.

Issue Four: Whether USD #233, in accordance with state and federal regulations implementing the IDEA, changed the Student's placement due to behavior without holding a Manifestation

Determination Review (MDR). K.A.R. 91-40-38(a), K.S.A. 72-3433(a)(d); 34 C.F.R. §§ 300.530(e), 300.536.

Issue Five: Whether USD #233, in accordance with state and federal regulations implementing the IDEA, provided required academic support and IEP accommodations when the Student's placement was changed. K.A.R. 91-40-35, K.S.A. 72-3433(b); 34 C.F.R. § 300.530(d).

Issue Six: Whether USD #233, in accordance with state and federal regulations implementing the IDEA, provided prior written notice (PWN) regarding the Student's change in placement. K.A.R. 91-40-26, K.S.A. 72-3430(b)(2); 34 C.F.R. § 300.503(a).

Issue Seven: Whether USD #233, in accordance with state and federal regulations implementing the IDEA, provided the Parent with the appropriate procedural safeguards. K.S.A. 72-3430; 34 C.F.R. § 300.504.

Issue Eight: Whether USD #233, in accordance with state and federal regulations implementing the IDEA, appropriately reviewed and revised the IEP by conducting a Functional Behavior Assessment (FBA) and developing a Behavior Intervention Plan (BIP) to address the behavior needs of the Student. K.A.R. 91-40-16(a)(b)(a), K.A.R. 91-40-18(b), K.S.A. 72-3429(f)(2); 34 C.F.R. § 300.324(a)(2)(i)(b).

Issue Nine: Whether USD #233, in accordance with state and federal regulations implementing the IDEA, placed the Student in the Least Restrictive Environment (LRE) when they were placed in a "restrictive school." K.A.R. 91-40-21; 34 C.F.R. §§ 300.114(a)(2), 300.116.

Issue Ten: Whether USD #233, in accordance with state and federal regulations implementing the IDEA, provided the Student with a Free Appropriate Public Education (FAPE). K.A.R. 91-40-2(a)(b)(d-g), K.A.R. 91-40-1(z); 34 C.F.R. §§ 300.101, 300.17.

## Background Information

This Investigation involved a high school-aged student enrolled at the High School in USD #233. The Student is currently receiving special education or related services as a child with a disability per the Individuals with Disabilities Education Act (IDEA). The Student is diagnosed with Autism Spectrum Disorder (ASD), Adjustment Disorder, Major Depressive Disorder, and Attention Deficit Hyperactivity Disorder (ADHD). They receive special education services under the exceptionality of Emotional Disability (ED). The Student's strengths include curiosity, organization, self-advocacy, academics, and playing the violin.

## Findings of Fact

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

1. A previous Individual Education Program (IEP) amendment dated May 21, 2025 included the following services during the Complaint period:

a. An annual review date of September 26, 2025.
b. Two Student independence goals.
c. Social work services for 20 minutes per week, from August 13 to September 26, 2025.
d. Special education services for 90 minutes one time per week and 45 minutes three times per week, from August 13 to September 26, 2025.
e. A Behavior Intervention Plan (BIP) with target behaviors of verbal and physical aggression.
    i. Prevention strategies included relationship building and social skills instruction.
    ii. Reinforcements included a token system and one-to-one attention.
    iii. Replacement behaviors included offering breaks when the Student was dysregulated.
    iv. Response strategies included giving the Student space, letting them take a walk, or access to a "calm space." The strategies indicated a classroom may be evacuated if necessary.

2. A Notice of Meeting, dated September 10, 2025, indicated the team was scheduled to meet on September 25, 2025 to conduct an annual review of the Student's IEP.
    a. The notice mentioned a copy of parental rights was available on the LEA's website.
    b. It was recorded in the notice that a copy of parental rights was attached to the notice.
3. IEP meeting notes dated September 16, 2025 indicated the Parent requested an "emergency team meeting" to discuss the Student's self-injurious behavior on September 12, 2025.
    a. The Parent stated they had not witnessed the Student hurting themselves prior to the September 12, 2025 incident. Special Education Teacher 1 and Social Worker 1 indicated they had contacted the Parent about similar behavior on two previous occasions.
    b. The Parent indicated they were seeking a local day treatment program and asked the team to encourage the Student to participate. The Parent refused to sign a Release of Information (ROI) form for the Children's Hospital and stated they did not want to share information regarding the Student's visits to the Children's Hospital.
    c. The Parent informed the team the Student was refusing to take their medication.
    d. Special Education Teacher 1 expressed access to a cell phone was a trigger for the Student. The team discussed strategies to mitigate the Student's phone use.
    e. Social Worker 1 suggested the Parent contact the County Mental Health Services for support.
    f. The team discussed a safety plan and emergency contact information for the Student's family.

4. A Disciplinary Action Form, dated September 22, 2025, indicated the Student engaged in self-injurious behaviors and subsequently injured a staff member. The High School Assistant Principal noted on the form that a police report was filed.
    a. An email to the Assistant Director of Special Services, dated September 1, 2026, included a detailed description from Special Education Teacher 1 of the events leading up to the Student's behavior incident the previous school year on September 22, 2025.
        i. At 8:30 a.m., the Student was scheduled to be in the resource room, however, they were found wandering near the High School art classrooms. When Special Education Teacher 1 attempted to redirect the Student, the Student "took off in a dead spring [sic] … and ran frantically through the commons" to another portion of the High School. Staff followed at "walking speed." An unidentified paraeducator found the Student in the bathroom, where the Student engaged in self-injurious behavior. The Parent was contacted.
        ii. The Student was subsequently guided to the School Resource Officer's (SRO) office by the unidentified paraeducator and the SRO. During the escort, the Student engaged in verbal outbursts. The SRO's office was cleared of other staff and students to "protect [the Student's] dignity." At some point after entering the SRO office, the SRO contacted additional law enforcement and the County Mental Health Services for support. "At times it took several officers to restrain [the Student] as [they] [were] kicking, trying to bang [their] head on the floor… ."
        iii. Special Education Teacher 1 and the School Behavior Coach continued to attempt to help the Student regulate. When the Parent arrived, the Student was "upset by [the Parent's] presence in the room."
        iv. The record indicated the Student was placed in handcuffs. Once the Student was able to regulate, around 10:55 a.m., the Student walked out of the building on their own power, and was transported to the Children's Hospital by law enforcement. The Parent retrieved the Student's personal items.
5. An October 8, 2025 letter to the Parent from the Special Services Coordinator indicated the Student had not attended the High School since September 22, 2025. The letter informed the Parent of their responsibility for the Student's compulsory attendance, and served as a "stand ready" notice that the LEA was "ready, willing, and able to provide special education and related services to [the Student], as required in [their] IEP."
    a. On October 8, 2025, the Parent emailed the High School staff. They explained the Student had been hospitalized and was participating in a Partial Hospitalization Program (PHP) at the Children's Hospital to address their mental health issues. The Parent expressed concern about law enforcement involvement with the Student and mentioned the Outside Case Manager and Advocate 1 and requested ROIs for both providers. They noted both providers

were copied on the email. The Parent asked about homebound instruction options and requested an IEP meeting.

6. A Notice of Meeting, dated October 10, 2025, indicated the team was scheduled to meet on October 14, 2025, to discuss concerns regarding the Student's safety and explore placement options.
    a. The notice recorded that a copy of parental rights was attached.
    b. The Parent signed the meeting notice on December 12, 2025.
7. Meeting notes, dated October 14, 2025, indicated the IEP team met to discuss the Student's absence from school due to mental health issues.
    a. The Parent reported the Student had required hospitalization, beginning on September 29, 2025, and was enrolled in the PHP for "6-8 weeks" as of October 6, 2025. The notes mentioned the PHP has "a teacher who can facilitate work provided by the school," and as of the meeting date, the program had not contacted the LEA.
    b. Advocate 1 requested an updated BIP, and the team noted the IEP review was due. Special Education Teacher 1 shared information about the Student's behavior at the High School that resulted in law enforcement involvement.
    c. The Parent shared they noticed the Student's behavior worsened when the Student's electronic devices were removed. The Parent expressed concerns around communication with the LEA. The team suggested the Parent set up an email address specifically for communication with the LEA and advised they may have to occasionally call the Parent during work hours.
    d. The High School Principal explained the Student's grades were "incomplete" due to the extended absence and offered options for academic recovery, including online instruction.
    e. The School Behavior Coach recommended performing a new Functional Behavior Assessment (FBA) when the Student returned to the High School.
    f. Prior Written Notice (PWN) for options offered while the Student was hospitalized was emailed to the Parent on October 21, 2025.
        i. While parental consent was not required for this action, the Parent signed the notice on January 12, 2026.
8. In an email exchange, dated November 7, 2025, School Psychologist 2 and the Parent discussed two scheduled meetings regarding the Student's behavior and IEP/BIP. The Parent requested the Student's medical providers at the Children's Hospital be included in the meeting on November 10, 2025. The Parent stated they were aware the LEA was communicating with the Children's Hospital and asked to be included in "all" communications related to the Student.
    a. The Parent wrote, "It's important to me that we establish a clear and structured plan for [the Student] prior to [their] return. There are several updates that need to be implemented, and I believe it would be beneficial to discuss and finalize these sooner rather than later. The more time the team has to review and process the information, the better prepared we'll be to address any questions or concerns. I've recently learned that [the High School] has been

communicating with the PHP program at [the Children's Hospital] without including me. I previously requested to be included in all communications related to [the Student], and I'm concerned that this has not been happening. Please ensure I am copied on all correspondence involving outside entities regarding [the Student] moving forward. I am also exploring additional tutoring options for [the Student], as [they] [are] currently behind in [their] curriculum and [require] further academic support."

b. School Psychologist 2 clarified, "At Monday's meeting, we can discuss your concerns regarding communication that has taken place between the school and the PHP. I know that [Special Education Teacher 1] and [the Student's] teacher at the PHP talked a couple of times to make sure [the Student] know [sic] what schoolwork [the Student] needed to do, but I'm not sure how that was communicated to you. We can talk about this as well as district tutoring options that are available for students (if we feel this is needed based on what [the Student's] teachers are requiring)."

c. School Psychologist 2 stated the meeting on November 10, 2025 was not scheduled to be an IEP meeting, however, the Parent was welcome to express concerns. They confirmed the meeting scheduled on November 17, 2025 was the official IEP meeting. School Psychologist 2 indicated tutoring was an option for the Student.

9. IEP meeting notes, dated November 10, 2025, indicated the IEP team met for a "PHP Transition & Pre-IEP discussion" regarding the Student's reentry to the High School and their annual IEP review. The notes indicated there was a previous meeting on November 7, 2025 with the PHP team.
    a. The notes indicated the Student was scheduled to be discharged on November 19, 2025 and expected to return to the High School on November 20, 2025.
    b. The team discussed a "soft-start" plan that included providing more academic support to the Student and allowing grading accommodations for the first semester. The Parent disagreed with the slow start, expressing worry it would cause the Student to miss more classwork. The Outside Psychologist and Outside Case Manager explained a slow start was important for the Student's mental health. The notes mentioned the Student was "highly motivated to do well in school," and liked Special Education Teacher 1.
    c. The PHP team recommended continued therapy and noise canceling headphones. The Outside Psychologist mentioned witnessing the Student's dissociative episodes.
    d. The Outside Case Manager expressed concern over law enforcement involvement with the Student. School Psychologist 2 explained calling for back-up was a part of the SRO's safety protocols.
10. A Notice of Meeting, dated November 17, 2025, indicated the team was scheduled to meet on November 17, 2025 to conduct an annual review of the Student's IEP and update the Student's BIP, accommodations, and modifications.
    a. The notice acknowledged the presence of PHP staff.

b. The notice mentioned a copy of parental rights was available on the LEA's website.
c. It was recorded in the notice that a copy of parental rights was attached to the notice.
d. PWN, dated January 12, 2026, recorded the scheduled meeting date was incorrectly entered on the meeting notice. The correct meeting date was November 18, 2025.

11. An IEP, dated December 15, 2025, contained the following relevant information:
    a. The team members included the Parent, the Behavior Coach, the High School Assistant Principal, School Psychologist 1, School Psychologist 2, Social Worker 1, Special Education Teacher 1, the Outside Psychologist, the Outside Case Manager, and an Arabic Interpreter.
    b. Present levels of academic achievement and functional performance (PLAAFP) included information about the Student's mental health concerns and participation in the PHP, which affected their learning in the 2025-26 school year. It was noted that during a mental health crisis, the Student was transported to the hospital by law enforcement.
    c. As of November 12, 2025, the Student had attended 26 days of class, with six days of out-of-school suspension. The PHP lasted approximately six weeks, from on or around October 6, 2025 to on or around November 19, 2025, resulting in the Student being hospitalized for the majority of the first semester of the 2025-26 school year.
    d. Parent concerns included "fine motor skills, executive functioning, [the Student's] ability to emotionally regulate and staff's response to procedures when [the Student] is in a mental health crisis."
    e. One Social Emotional goal:
        i. "After self-recognizing that a negative emotion is interrupting an academic task, [the Student] will use a self-regulation strategy and continue working on the task within 15 minutes, during 2 out of 3 observations."
    f. One Student Independence goal:
        i. "After self-recognizing that a negative emotion is interrupting an academic task, [the Student] will use a self-regulation strategy and continue working on the task within 15 minutes, during 2 out of 3 observations."
    g. Related Services, in effect from December 15, 2025 to December 14, 2026, included:
        i. Social work services with Social Worker 1 for 20 minutes per week.
        ii. Transportation for 16 minutes a day, five days a week.
        iii. Special Education Services with Special Education Teacher 1 for 45 minutes three days per week and 90 minutes one day per week.
    h. Accommodations included:
        i. "Direct instruction on social, emotional, and behavioral skills."

ii. "When a writing assignment requires a multiple sentence [sic] [the Student] will have the option to type it."
iii. Alternative testing location.
iv. Access to a break space outside the classroom.
v. A copy of teacher notes "to assist with comprehension of material covered" during absences.
vi. Strategic seating.

i. The Student's placement was general education with one period per day of special education services.
j. A BIP included the following relevant information:
    i. Targeted behaviors:
        1. Verbal aggression.
        2. Physical aggression.
        3. Self-injurious behavior.
    ii. Baseline data noted, between the beginning of the school year and November 12, 2025, "While at school, [the Student] has demonstrated 3 minor mental health crisis [sic] along with 2 major occurrences of mental health crises, resulting in self-injurious behaviors lasting between 2-3 hours in duration." It was reported the Student was transported to the Children's Hospital by law enforcement after the "major" incidents.
    iii. Prevention strategies included:
        1. Access to noise cancelling headphones.
        2. Communication among the High School, the Parent, and outside providers.
        3. "Pre-identified roles of support staff when [the Student] is in [a] mental health crisis."
        4. Access to safe space on demand.
        5. Daily check-ins.
        6. "Communication between adult staff and Case Manager when beginning dysregulation."
        7. Relationship building with High School staff and one-to-one attention opportunities.
        8. Specialized instruction in social skills.
    iv. Reinforcement strategies included:
        1. Token economy system.
        2. Preferred activity or break time in preferred location.
        3. Verbal praise for completing non-preferred tasks.
    v. Replacement behavior strategies included:
        1. "Asking for preferred support staff when dysregulated."
    vi. Response strategies included:
        1. "Put building [sic] on hold."

2. Alert High School staff to prepare to support. Designate a preferred adult to take the lead, and use simple language with the Student.
3. Contact the Parent and "co-responders."
4. If needed, clear hallways or classrooms.
5. Gather safety items such as pillows, blankets, and crash pads to divert self-injurious behaviors.
6. Contact emergency services if necessary.

vii. Special Education Teacher 1 was listed as the staff member responsible for managing the BIP.

k. A progress report dated May 21, 2026 included the following information:

i. Social-emotional goal:

1. As of January 2, 2026, the Student was making progress toward achieving their goal. Data showed the Student meeting their benchmark of self-regulation in under an hour.
2. As of March 4, 2026, the Student was not able to self-regulate and return to task in under an hour.
3. On March 13, 2026, it was noted the Transitional School had begun collecting data and the Student had been present for four days out of ten. The report recorded the Student had "major behavior" incidents on three out of four days present at the Transitional School.
4. As of May 21, 2026, the Student was making progress towards their goal. They were able to self-regulate in under 45 minutes one out of three times.

ii. Student independence goal:

1. As of January 2, 2026, the Student was making progress toward achieving their goal.
2. As of March 4, 2026, the Student was able to meet their benchmark two out of five times, with an overall goal of three out of five times. The data mentioned the Student was experiencing increased difficulty with the school environment, which lowered their engagement.
3. The same data from the Transitional School from March 13, 2026 was recorded in this goal.
4. As of May 21, 2026, no progress score was indicated, however, notes recorded "12 instances of not working."

12. Two Referral forms were entered for the Student on February 10, 2026. The first described a behavior cycle at 9:00 a.m., including property destruction and physical aggression. The second form referred to an email sent from the Student to Special Education Teacher 1 after the Student arrived home from school. A Disciplinary Action Form dated February 10, 2026 indicated the Student received an out-of-school suspension for sending Special Education Teacher 1 a threatening email.

a. On February 10, 2026, Special Education Teacher 1 emailed the Outside Psychologist. The Outside Psychologist stated they were "aware of the situation, however they were not available for a phone call at that time. The Outside Psychologist requested details about the day's incident. Special Education Teacher 1 replied with a detailed account of the Student's behavior, including property damage to a school computer. Special Education Teacher 1 stated the computer was "destroyed beyond repair."
b. An email to the Assistant Director of Special Services, dated September 2, 2026, included further details from Special Education Teacher 1 describing the events leading up to the Student's behavior incident on February 10, 2026. The following narrative was constructed from those two accounts:
    i. Prior to February 10, 2026, the Student "refused to attend [their] strength and conditioning class 2nd hour" for "several days/weeks." The Student was working with Special Education Teacher 1 to address concerns about the class and discuss re-entry and regulation strategies. They were not able to implement any of these strategies before the behavior incident.
    ii. On February 10, 2026, the Student arrived at the resource classroom at the start of the second hour of instruction. Social Worker 1 offered to walk with the Student to the strength and conditioning class so that Special Education Teacher 1 could begin their scheduled class instruction. The plan agreed upon by the Student, Social Worker 1, and Special Education Teacher 1 was for the Student to attend strength and conditioning for ten minutes. However, the Student and Social Worker 1 returned to the resource classroom after five minutes.
    iii. Once back at the resource classroom, the Student joined a table game in progress with other students. According to Special Education Teacher 1, the Student "had a great time participating with [their] peers." At 9:00 a.m., Special Education Teacher 1 asked the whole class to work on academics for the last 15 minutes of the class period. The expectation was for the Student to work on an online assignment. At this time, Social Worker 1 left the classroom.
    iv. When the Student did not follow directions to work independently on their academics, Special Education Teacher 1 asked the Student to work on a specific assignment. The Student asked for a break. Special Education Teacher 1 expressed, "I made attempts to encourage [the Student] to engage in [their] academics seeing as that we had all just enjoyed a game together and that was a break from traditional academic tasks."
    v. The Student retrieved their computer, logged into their online instruction platform, then began to make vocalizations and get their peers' attention. This behavior occurred between 9:04 a.m. and 9:12 a.m., leaving three minutes left in the class period.

vi. At 9:13 a.m., the Student "began aggressively punching [the Student's] computer." Special Education Teacher 1 attempted to verbally redirect the Student before approaching to remove the computer. When Special Education Teacher 1 walked toward the Student, the Student began escalating. The Student "broke the screen off and damaged the keyboard" of the computer, and began kicking tables and chairs. Special Education Teacher 1 was able to remove the computer and move furniture out of the way. The Student then threw a beverage at the wall and their backpack at Special Education Teacher 1, hitting Special Education Teacher 1 "in the lower half." At this point, the classroom was evacuated. After the other students left the room, the Student engaged in self-injurious behavior.

vii. Special Education Teacher 1 initiated crisis protocols by alerting administrative staff to the situation. The High School Assistant Principal entered the classroom to assist while the SRO waited in the hallway. Social Worker 1 returned to the classroom. Special Education Teacher 1 stated they, the High School Assistant Principal, and Social Worker 1 implemented the Student's BIP "to help [the Student] regain emotional regulation," including simple language and directives, and using pillows "to reduce potential impact." The staff also used "[i]ce, weighted blanket, written note[s], music, pillow and low lighting." The Parent was contacted and asked to pick up the Student.

viii. According to Special Education Teacher 1, upon arrival and debrief, the Parent expressed dissatisfaction that the Student had been asked to do academic tasks for 15 minutes, "insinuating that [Special Education Teacher 1] was at fault for [the Student's] behavior." Special Education Teacher 1 noted the Student had completed two hours of similar academic work the previous day.

ix. Special Education Teacher 1 noted that the accommodation for breaks was written for when the Student experienced emotional dysregulation, and in this instance, the Student was calm prior to retrieving the computer.

x. Special Education Teacher 1 explained these events were discussed in person with the Parent "numerous times," both the day of the incident and at subsequent meetings. Special Education Teacher 1 sent documentation of the incident to the Parent and the Outside Case Manager.

xi. Special Education Teacher 1 stated the SRO independently reported the property damage through law enforcement channels, not through the LEA. According to Special Education Teacher 1, the Parent stated "[The Student] should not have consequences because [they] [have] an Autism diagnosis."

xii. On February 10, 2026, upon returning home, the Student sent Special Education Teacher 1 an email. The email contained critical comments about Special Education Teacher 1's classroom performance. The Student wrote, "If your entire job is to work with kids on their mental health as well as working habits, then maybe you could try to get a bit better at it. Its [sic] really pissing me off now about how Im [sic] getting in trouble for your poor management." The Student blamed Special Education Teacher 1 and Social Worker 1 for the behavior incident and suggested Special Education Teacher 1 "take some classes with" the Student's therapist.

13. In an email, dated February 11, 2026, the SRO informed the Juvenile Diversion Officer of the property damage caused by the Student. The SRO stated they completed a "Criminal Damage to Property" report.
    a. A formal complaint was lodged against the Student by the county courts on February 24, 2026. The High School Assistant Principal, the SRO, and Special Education Teacher 1 were named as witnesses in the matter.
14. In a February 17, 2026 email to the Parent and Outside Case Manager, copied to the Special Services Coordinator, Special Education Teacher 1 wrote, "Have you had a chance to review the PWN and consent for re-evaluation? A hard copy of the consent for re-evaluation was sent home with [the Student] on Monday [February 9, 2026], and a digital copy of the PWN was emailed after our last video meeting on [February 12, 2026]." Special Education Teacher 1 indicated the behavior incident on February 10, 2026 was "discussed in our last meeting." They stated the incident reports related to the events of February 10, 2026 were attached to the email.
    a. The Outside Case Manager replied the same day, inquiring if there were "additional reports with more details pertaining to the incident?"
    b. Special Education Teacher 1 responded by email on February 18, 2026, "The previous email included the two official behavior reports related to this incident."
15. PWN for "Evaluation or Reevaluation and Request for Consent" was initially emailed to the Parent by School Psychologist 1 on February 18, 2026, emailed again as part of an email thread dated February 19 through February 24, 2026, and "hand delivered" on February 23, 2026. The February 18, 2026 email included the IEP and BIP, and the February 19, 2026 email contained a copy of parental rights.
    a. In an email on February 23, 2026, the Parent stated, "I tried my best to sign the document and submit it today as I did receive it Last [sic] Friday [February 20, 2026] but [it was] emailed to me last Wednesday [February 18, 2026]. Would you please change the date from [February 12, 2026] to [February 18, 2026]."
    b. In separate emails in the same thread on February 23, 2026, the Parent and the Outside Psychologist requested new intelligence and academic assessments be added to the evaluation.

c. On the same day, School Psychologist 1 replied, agreeing to the new assessments, and attached an updated PWN, dated February 23, 2026, for the Parent to sign.
d. The Parent signed the consent on February 23, 2026.
e. Updated PWN included the following:
    i. The box was checked for "[The LEA] proposes to conduct a reevaluation." (Parental Consent Required)
        1. "Based upon a review of existing data (if appropriate), the IEP team (including the parent), is proposing to conduct a reevaluation of your child. Information will be collected … that provide relevant information that directly assists the team … ."
    ii. The "explanation of why the action is proposed or refused" section included "Based on current data of documented behavioral patterns and behavioral present levels, as well as input provided by [the Student's] medical team at [the Children's Hospital], educational team at [the High School], and [the Parent] on [February 18, 2026] during a collaborative virtual meeting, the IEP team is proposing an evaluative change in placement to a hybrid learning model. This model would include approximately three academic periods per day at [the High School], with the remainder of the school day at [the Transitional School], a special day school within [the LEA] designed to provide more intensive academic, social, and emotional supports for students requiring a higher level of intervention."
    iii. The "options considered and why options were rejected" section included, "The team considered maintaining [the Student's] current placement … This option was rejected because, despite consistent implementation of strategies and interventions, [the Student] continues to demonstrate unpredictable and escalated behaviors … The IEP team considered a full-time evaluative placement at [the Transitional School]. … [The Parent] expressed disagreement with a full-time placement at [the Transitional School] and stated [their] preference for [the Student] to remain at [the High School] in order to maintain participation in orchestra. As a result of collaborative problem-solving, the team reached consensus to implement a hybrid learning model as an evaluative placement."

16. In an email, dated February 24, 2026, Special Education Teacher 1 wrote "Thank you for getting that paperwork back to us! I have information to share about [the Student's] schedule and [transportation] arrangements for [them] to start this evaluative placement on Monday, March 2nd, [2026]." The schedule consisted of a "General education bus from home to [the High School] ; 1st hour Orchestra; 2nd hour Resource; 3rd hour Guided Studies (World History); Assisted transportation (white van) from [the High School] to [the Transitional School]; 4th hour Biology; 5th hour PE; 6th hour English 9; 7th hour Algebra 1; [Special education] bus from [the Transitional

School] to home." Special Education Teacher 1 indicated the Student would eat lunch at the Transitional School. The email was sent to the Parent, School Psychologist 1, the Outside Psychologist, the Special Services Coordinator, the Outside Case Manager, and the School Behavior Coach.

17. In an email exchange with the IEP team on March 5, 2026, the Parent requested Advocate 2 be added to the team. The Special Services Coordinator replied with an ROI.
18. In an email dated March 12, 2026, the School Behavior Coach shared attendance and behavior data with the IEP team. The date range was March 2, 2026 to March 13, 2026.
    a. The Student was present for full days at both the High School and Transitional School for three out of ten days. They experienced a dysregulation cycle at the Transitional School on March 10, 2026, but remained at school.
    b. The Student was absent or left early seven out of ten days. On March 3, 2026, the Student fell asleep in class at the High School and was picked up early from the Transitional School by the Parent.
    c. It was noted the Student had visited the emergency room on March 10, 2026. They were diagnosed with a concussion and subsequently excused for the rest of the week.
    d. The School Behavior Coach reviewed the expectations for staff supporting the Student at both schools, and praised the Student for using their regulation skills.
    e. In their reply on March 13, 2026, the Outside Psychologist requested a "contingency management plan" from the Transitional School. They expressed concern regarding the frequency of the Student's escalations at the Transitional School and mentioned the Student had sustained two concussions since the hybrid placement began.
    f. In a response the same day, the School Behavior Coach stated the LEA was only aware of the Student sustaining one concussion, following behavior on March 10, 2026, and expressed the need for open communication regarding the Student's medical history. The School Behavior Coach clarified the team followed standard safety and concussion protocols on March 10, 2026. They confirmed the Student was assessed by the school nurse, who indicated "there were no reported or observable indicators suggesting a concussion." The Parent was "provided a face-to-face consultation" regarding the Student's behavior at pick-up time.
    g. The School Behavior Coach shared the Transitional School's crisis response plan with the team.
19. A Notice of Meeting dated March 24, 2026 indicated the IEP team was scheduled to meet on March 26, 2026 to discuss the Student's placement. No other materials related to this meeting were provided by the Parties.
20. A Disciplinary Action Form, dated April 6, 2026, indicated the Student was given two days of out-of-school suspension for a non-violent sexual offense.
    a. A notice of meeting for a Manifestation Determination Review (MDR) was dated April 7, 2026. It indicated the MDR was scheduled for April 9, 2026. The notice indicated a copy of parental rights was attached.

b. The Parent emailed the IEP team on April 8, 2026. They stated the Outside Psychologist, Advocate 2, the Outside Case Manager, and the Director of Family Support Agency would attend the MDR.

21. A Notice of Meeting, dated April 9, 2026, indicated the team was scheduled to meet on April 14, 2026, to discuss the results of the MDR and review the Student's IEP.
22. An MDR report, dated April 9, 2026, indicated an MDR was held due to the Student committing a non-violent sexual offense. The MDR panel concluded the conduct was a direct result of the Student's disability and was not a result of the LEA's failure to implement the Student's IEP. The Student was returned to their existing placement.
    a. The report documented four disciplinary incidents within the 2025-26 school year.
        i. One incident on September 22, 2025, resulting in a six-day out-of-school suspension and referral to law enforcement.
        ii. Two incidents on February 10, 2026, resulting in one and a half days out-of-school suspension.
        iii. One incident on April 6, 2026, resulting in two days out-of-school suspension, and triggering the MDR on April 9, 2026.
    b. The report noted, "If the behavior is a manifestation of the disability, the IEP/504 team will conduct a functional behavioral assessment (FBA), unless one has already been conducted, and if results of the FBA warrant, will develop and implement a behavior intervention plan (BIP) for the student. If the student already has a BIP, the IEP/504 team will review and revise the existing BIP to address the behavior that was subject to discipline."
23. A Disciplinary Action Form, dated April 14, 2026, indicated the Student was "throwing supplies, punched wall, couch and pillows, screaming and crying," requiring the classroom to be evacuated and resulting in an in-school suspension.
24. A Notice of Meeting, dated April 15, 2026, indicated the team was scheduled to meet on April 27, 2026 to review the results of the Student's reevaluation and revise the IEP.
25. An evaluation report, dated April 27, 2026, recorded the results of "a re-evaluation for [the Student] due to ongoing concerns" in the area of "social-emotional regulation," the Student's IEP goal, and academic progress. The report explained, "As part of the evaluation process, a hybrid learning model was implemented and included three academic periods per day at [the High School], with the remainder of the school day at [the Transitional School], a special day school within [the LEA] designed to provide more intensive academic, social, and emotional supports for students requiring a higher level of intervention." It was noted the "evaluative change of placement" was discussed with the Parent on February 18, 2026, and the Parent consented. The Student began dual enrollment in March 2026.
    a. Testing results indicated average to above-average scores in reading and math.
    b. A behavior risk screener suggested the Student was "high risk," indicating "broad behavioral and/or emotional challenges impacting school functioning." Notes described the Student as having "social-emotional and behavioral challenges" that "contribute to inconsistent engagement and difficulty sustaining progress."

c. Online learning data indicated the Student had "significantly higher engagement and productivity" at the Transitional School (70% on-task) in comparison to the High School (30% on-task).

26. An FBA Plan, dated April 27, 2026, included the following relevant information:
    a. Targeted behaviors:
        i. Self-injurious behavior, described as "Any instance in which [the Student] engages in deliberate physical actions that result, or have the potential to result, in harm to [their] own body."
        ii. Physical aggression, described as "any instance in which [the Student] engages in forceful physical contact or attempts to make forceful physical contact with an [adult] … with sufficient intensity that it has the potential to cause pain, injury, or physical harm."
        iii. Verbal aggression, described as "any instance in which [the Student] uses spoken words delivered at an elevated volume, containing profanity, insults, or explicit threats directed toward peers or adults, with the observable intent to intimidate, demean, or cause emotional distress."
        iv. Avoidance behaviors, described as "any instance in which [the Student] engages in actions that delay, escape, or attempt to escape a task demand, instructional activity, or assigned location following a clear adult direction or expectation."
        v. Verbal vocalizations, described as "any instance in which [the Student] emits loud, disruptive sounds or verbal statements that are not contextually appropriate to the environment and interfere with instruction, social interaction, or the learning environment."
        vi. Elopement, described as "any instance in which [the Student] leaves a designated, supervised area without adult permission and/or moves beyond established safety boundaries, requiring staff redirection or retrieval."
        vii. Property Destruction, described as "any instance in which [the Student] engages in forceful or deliberate physical actions toward objects, materials, technology, or furniture that result in, or have a high likelihood of resulting in, damage, breakage, displacement, or loss of functionality."
    b. Impact statements indicated the Student's behavior concerns resulted in "frequent interruptions to instruction, removal from the classroom setting, and reduced opportunities for academic engagement" for the Student, and "disrupt instructional flow, resulting in frequent pauses, redirection of teacher attention, and loss of instructional time for peers." It was noted medication and electronic devices may be factors in escalations.
    c. Common antecedents were identified as academic tasks presented, non-academic demands, adult redirection, transitions, unstructured time, and denial of access to an item or activity.

i. Academic tasks and adult redirection had the highest instances of preceding targeted behaviors at ~42% and ~29%, respectively.
ii. Consequence/adult response strategies included verbal redirection, requesting a break, classroom evacuation, relocation to an alternate location, providing wait time, providing choice, strategic ignoring, and requesting additional support. Data showed the Student continued or increased behavior 100% of the time after the first consequence/adult response. Data indicated the Student needed up to five consequences/adult responses to achieve regulation 55.5% of the time.

d. Data collected between March 2, 2026 and April 15, 2026, indicated the following:
i. The Student exhibited the highest frequency of incidents between 8:30 a.m. and 9:20 a.m. They displayed the most escalations on Tuesdays, and no incidents on any Thursdays. They experienced "behavior cycles" on 10 out of 17 days tracked, with 24 total occurrences.
ii. The duration of behavior incidents varied from five minutes to over an hour, with incidents lasting 15-20 minutes or over one hour being the most frequent at six occurrences each. The Student escalated the most during the second and third hours of instruction, which occurred at the High School.
iii. Overall, approximately 58% of the Student's "target behavior cycles" occurred at the High School, and approximately 42% occurred at the Transitional School. The highest frequency of behavior cycles was on March 10, 2026 with seven total cycles.

e. A statement of intervention and supports offered over the previous 12 months recorded the Student's transition from PHP back to the High School, and the addition of the evaluative hybrid placement between the High School and Transitional School. The statement mentioned the Student's split schedule "had limited positive impact on [the Student's] behaviors or ability to emotionally regulate. [The Student] would escalate during direct special education time in anticipation for the next period of a nonpreferred general education class. [The Student] required 3 or more adults to emotionally regulate before going to the general education classes that were nonpreferred." The statement listed the Student's accommodations.

27. A Notice of Meeting, dated April 27, 2026, indicated the team was scheduled to meet on May 4, 2026, to review the Student's IEP. It was recorded in the notice that a copy of parental rights was attached to the notice.
a. An email from School Psychologist 1, dated April 27, 2026, indicated the LEA did not have an ROI on file for the Director of Family Support Agency.

28. A Notice of Meeting, dated May 4, 2026, indicated the team was scheduled to meet on May 15, 2026, to further discuss the results of the Student's reevaluation and review the Student's IEP.

29. In an email exchange, dated May 12 to May 13, 2026, the Parent, Special Education Teacher 2, and the Transitional School Principal discussed the Student's behavior on May 11, 2026, which resulted in the Student not riding the school bus home that day.
    a. Special Education Teacher 2 explained that the Student made "racially derogatory" comments and "jokes" during the sixth hour of instruction and became dysregulated during the seventh hour of instruction. The dysregulation included "[lying] on the floor, making odd statements, and not working." Special Education Teacher 2 attempted to redirect, use direct, calm prompts, and provide adult support. When the Student did not regulate, the classroom was evacuated. The Student then eloped to a storage closet. Special Education Teacher 2 decided it was unsafe for the Student to ride the school bus home, and the Parent was contacted to pick up the Student. The Student was given a lunch detention to serve on May 12, 2026 as a consequence for their behavior.
    b. The Parent replied, "requesting the exact words and jokes that were allegedly said" by the Student. They also requested "the context" for the statements and "how the situation was investigated before disciplinary conclusions were reached." The Parent stated they received two phone calls on May 11, 2026. They shared during the first call, they were asked if the Student should ride the bus home or if the Parent would be picking the Student up. The Parent said they asked how the Student was doing, and was told the Student was "good." The second phone call, approximately five minutes later, was staff asking the Parent to pick the Student up from school. The Parent expressed confusion at the two different calls and questioned what "occurred during those few minutes that caused the recommendation to change" from the Student riding the bus to being picked up.
    c. The Transitional School Principal responded via email with more details about the events of May 11, 2026, including the Student's reported statements. The Transitional School Principal indicated the intent of the first phone call was to verify whether or not the Student was expected to ride the school bus home that day. When the staff determined it was unsafe for the Student to ride the bus, they called the Parent again to pick the Student up from school. The Transitional School Principal stated, "Staff who contacted you at 2:26 [p.m.] did not intend to convey [the Student] was 'doing good.'"
    d. The Transitional School Principal reported the Student "engaged in similar behavior" on May 5, 2026, by "making an offensive gesture and vocalization that is derogatory to individuals with intellectual disabilities on two occasions." In those instances, the Transitional School Principal redirected the Student and reinforced expectations.
30. Two Referral forms were documented on May 15, 2026 at the Transitional School.
    a. The first incident was described as "[The] Student began making odd statements … escalated and began crying and screaming." The notes indicated the classroom was evacuated, and that the Student requested medication, but did not participate in self-injurious behavior.

b. The second incident was described as "Ipad removed from [the Student's] desk. [The Student] stood up and approached teacher [sic]." The notes described self-injurious behavior, verbal outbursts, attempted elopement, and indicated the Student "Sat on hallway floor screaming."
c. In an email, dated May 21, 2026, Special Education Teacher 2 shared a description of the Student's behavior incidents.
    i. During the sixth hour of instruction, the Student began making "odd statements." They asked Social Worker 2 and Special Education Teacher 2 for ADHD medication. Special Education Teacher 2 used redirection and strategic ignoring, and the classroom was evacuated. Special Education Teacher 2 documented the Student's statements for the Parent, and subsequently, the Student escalated. The Student began "screaming and wailing" and accused the staff of "making stuff up about me" and "trying to make me mad." The Student was offered headphones, given space and verbal prompts, and offered a break space. The Student did not respond to any of these strategies and continued being physically and verbally escalated until they fell asleep on the floor at approximately 1:30 p.m. At 1:45 p.m., staff checked on the Student in order to determine if they were able to ride the school bus home. The Student stated they would be ready to ride the bus at the end of the day and went back to sleep.
    ii. At 2:01 p.m., the Student "woke up independently," acquired an iPad, and began doing online instruction. Special Education Teacher 2 and Social Worker 2 performed a self-regulation assessment on the Student and determined they were regulated enough to ride the bus home.
    iii. At 2:15 p.m., Special Education Teacher 2 prompted the Student for their check-out procedure multiple times. The Student refused to participate in their normal check-out routine. At 2:20 p.m., Special Education Teacher 2 "picked up the iPad." The Student approached Special Education Teacher 2, verbally demanding and "began reaching around" Special Education Teacher 2 for the iPad. Special Education Teacher 2 put their arm up in front of themselves to create physical distance. The Student attempted to reach around Special Education Teacher 2 and contacted Special Education Teacher 2's arm with their body. The Student then became verbally aggressive and engaged in self-injurious behavior. The Parent was contacted to pick the Student up from school.
    iv. Between contacting the Parent and the Parent's arrival at 2:45 p.m., the Student eloped from the classroom into a hallway. In the hallway, the Student sat on the floor and screamed. Staff used a crash pad to protect the Student's head and prompted the Student to move to the safe room. The Student moved to the safe room where they were examined by a nurse.

d. In their account of the events of May 15, 2026, the Student admitted to making nonsensical statements during "6th hour." They stated Social Worker 2 attempted to redirect them, and Special Education Teacher 2 documented the statements. The Student stated "I got angry and I started crying." They confirmed they were offered a break and were able to regulate. The Student described "skipping 7th hour" to do other work on an iPad in the resource room. They recalled wearing noise canceling headphones. The Student described Special Education Teacher 2 "yelling" at them, but they could not understand Special Education 2 because of the headphones. The Student said Special Education Teacher 2 "ripped the iPad … right out of my hands." The Student moved toward Special Education Teacher 2 to retrieve the iPad. Special Education Teacher 2 put out their hand, which contacted the Student's shoulder. The Student said "I felt a sharp pain on my shoulder," which led to their escalation.

31. The IEP was amended on May 15, 2026 and included the following updates:
    a. Background information regarding the Student's transition from the PHP to the High School, and subsequently the Transitional School, was added.
    b. It was recorded that a reevaluation had taken place, and a new FBA had been performed.
    c. The Parent requested email as the primary form of contact between them and the LEA. The Parent "emphasized the importance of … fully considering [the Student's] Autism " when reviewing the IEP and BIP. They asked for more adult support for the Student and that the Student remain in school as much as possible.
    d. The Outside Case Manager, the Director of Family Support Agency, the Youth Specialist, Advocate 2, and the Outside Psychologist were added to the IEP as outside representatives for the Parent.
    e. One accommodation was added for "Staff will provide a brief, neutral, and discreet prompt (verbal or nonverbal) to increase awareness and prompt/encourage use of coping strategy when dysregulation signs become visible, or [are] communicated to an adult by [the Student]."
    f. The BIP was updated to include the results of the FBA, including the seven identified target behaviors of self-injurious behaviors, elopement, physical aggression, verbal aggression, property destruction, verbal vocalizations, and avoidance.
        i. Added prevention strategies included reduced language load while dysregulated, allowing the Student to "escape appropriately" through breaks, "positive behavior specific praise," "increased predictability and structure," explicitly reviewing expectations, increasing positive reinforcement, and consistently responding to behaviors to avoid reinforcing escape attempts.
        ii. A replacement behavior of "communicating wants/needs to an adult through self-advocacy" was added.
    g. Response strategies were updated to target the behaviors.

i. Six strategies for self-injurious behavior were listed, including an immediate safety assessment, "least restrictive safety intervention" (using soft materials to block the Student, removing objects from the Student's vicinity, verbal prompts), protective blocking if needed, physical restraint when necessary, "safe room consideration" per building policy, and allowing the Student to de-escalate and recover.
ii. Eight elopement strategies ranged from redirection to disallowing escape, and included re-entry and debrief suggestions.
iii. Ten strategies for physical aggression included ensuring immediate safety, maintaining a calm demeanor, temporarily reducing demands on the Student, strategic ignoring, offering a break space, clear directions, structured re-entry to task for the Student, and debriefing after escalation. "Trained Crisis Procedures" were recommended in an emergency.
iv. Ten strategies for verbal aggression ranged from strategic ignoring to redirection and offering choices, and included debriefing after regulation.
v. Eleven strategies for property destruction included reducing sensory input, interactions, and demands, and providing space and replacement behaviors. Emergency procedures were to be followed if needed. The Student would be offered the opportunity to "restore/repair" when appropriate.
vi. Eleven strategies for verbal vocalizations ranged from strategic ignoring to offering coping mechanisms and replacement behaviors. Brief directives and environmental adjustments were recommended.
vii. Thirteen strategies for avoidance were designed to redirect the Student to their assigned task with minimal dysregulation. These included offering choices and breaks, and calm, clear directives, along with direct adult support.

32. PWN, emailed to the Parent on May 18, 2026, detailed the results of the IEP amendment meeting on May 15, 2026.
    a. The notice confirmed the Student was eligible for special education. It was noted the LEA proposed a "material change in services" and a "substantial change in placement," both of which required parental consent.
    b. The LEA proposed to change the Student's placement to full time at the Transitional School. The LEA stated, "Based on … special education reevaluation data … [the Student] requires a highly structured, supportive, and therapeutic educational environment in order to access instruction, participate meaningfully in the educational setting, and make progress toward [their] academic, behavioral, and functional goals."
    c. The notice contained the prevention and reinforcement strategies added to the BIP.

d. In an email, dated May 19, 2026, the Parent requested the Student "return back full time to [the High School]" while they considered the placement changes. The Parent included the Outside Case Manager as a recipient of the email.
e. School Psychologist 1 replied the same day. They stated the Student would remain in the hybrid placement until the Parent signed the forms.
f. On May 20, 2026, the Parent emailed requesting a copy of the rules and regulations for reevaluation. They stated, "I really need this information in order to provide informed consent." The Parent included the Outside Case Manager and the Director of Family Support Agency as recipients of the email.
g. School Psychologist 1 responded the same day, directing the Parent to the State special education handbook and citing a specific State regulation.
h. On May 28, 2026, School Psychologist 1 emailed the Parent to follow up about the consent for placement. They included a copy of the PWN, and the recipient list included the Outside Case Manager and Advocate 2.
i. The Parent replied on June 1, 2026. They stated they did not consent to placement at the Transitional School and requested placement in the LEA's Alternative Education Program. The recipients included the Outside Case Manager and the Director of Family Support Agency.
j. The Parent signed the "Do Not Give Consent" portion of the notice on June 1, 2026.
k. On June 10, 2026, the Special Services Coordinator responded to the Parent's placement request. They indicated the Alternative Education Program had an application process. They included a link for the parent portion of the application and stated the High School had completed the school portion of the application. The Special Services Coordinator attached PWN "declining to meet" regarding further changes to placement. They stated the IEP team could reconvene after the Parent received acceptance or denial from the Alternative Education Program. The recipients included the Outside Case Manager and the Director of Family Support Agency.

33. In an email, dated August 4, 2026, the Parent revoked all consent for the LEA to communicate with outside providers.
34. An email, dated September 2, 2026, from the High School Assistant Principal indicated law enforcement, other than the SRO, was contacted on September 12, 2025 and September 22, 2025. On those same dates, the LEA contacted a "co-responder" from the County Mental Health Services. The email stated the SRO interacted with the Student during behavior incidents on September 12, and September 22, 2025, and February 10, and April 12, 2026.
35. Emails regarding additional behavior incidents were sent by various staff members to the IEP team on January 21, January 30, February 2, March 6, and March 11, 2026.
36. Enrollment data for the 2025-26 school year indicated English and Arabic were spoken in the Student's home. The "interpreter needed" option was not checked.
    a. Special Education Teacher 1 requested Arabic interpretation for the October 14, 2025 and November 18, 2025 IEP meetings.

b. In an email to the Complaint Investigator on September 28, 2026, the Assistant Director of Special Services explained Arabic interpreters were made available to the Parent and the Parent declined. They stated parental rights were provided in Arabic.
c. In an email thread, dated September 28, 2026 and forwarded to the Complaint Investigator, Social Worker 1 recalled the Parent declining interpretation at the November 18, 2025 IEP meeting and "moving forward." Special Education Teacher 1 corroborated the Parent did not use the interpreters provided and recalled the Parent stated they did not need interpretation.

37. The Parent signed ROIs for the following individuals or organizations on the following dates:
    a. Children's Hospital, including the Outside Psychologist, October 14, 2025, expiring October 14, 2026.
    b. The Outside Case Manager, October 14, 2025, expiring May 21, 2026.
    c. Advocate 1, October 14, 2025, expiring May 21, 2026.
    d. Juvenile Diversion Officer, December 8, 2025, no expiration listed.
    e. County Mental Health Services, August 13, 2026, expiring August 12, 2027.
38. Attendance data for the High School for the 2025-26 school year indicated the Student was absent for a total of 46 days between August 13, 2025 and May 21, 2026.
    a. The Student spent ten total days on out-of-school suspension.
    b. The Student was listed as absent for medical reasons consecutively between September 30, 2025 and November 21, 2025, returning to school on December 1, 2025.
39. Attendance data for the Transitional School for the 2025-26 school year indicated the Student was enrolled on March 3, 2026.
    a. Between March 3, 2026, and May 21, 2026, the Student was absent 14 days, of which two were an out-of-school suspension.
40. A service log for the 2025-26 school year indicated Social Worker 1 met with the Student for 20 minutes per week for 12 out of 27 weeks the Student was assigned to them. Social Worker 1 was absent one week, and the Student was absent 14 weeks. According to the service log, the Student's social work services were transferred to the Transitional School as of March 2026.
    a. A related service provider log for the 2025-26 school year attributed to Special Education Teacher 2 indicated the Student received services 20 minutes per week. The log covered March 2, 2026 through May 21, 2026. The Student was present for at least one day per week for ten out of 11 weeks.
41. On August 24, 2026, the Parent filed this Complaint.

## Parent Interview

42. In an interview with the Complaint Investigator, the Parent shared the Student experiences communication difficulties due to autism.
43. The Parent stated that on September 22, 2025, they were called to pick up the Student due to a behavior incident. When they arrived, the Parent observed the Student inside

a small room within the resource classroom, with the door shut. The Parent stated the Student's IEP allowed the Student access to a quiet space to calm down, and the Student was allowed to close the door. According to the Parent, they witnessed the High School Assistant Principal open the door to the small room, "screaming and yelling … that [the Student] cannot keep the door closed." The Parent believed the Student's escalation on September 22, 2025 was caused by a law enforcement officer taking the Student's phone from the Student's hand. The Parent shared the incident was discussed at an IEP meeting in October 2025, and they expressed their concerns about the High School Assistant Principal's actions during the meeting.

44. Regarding the incident on February 10, 2026, the Parent believed the Student was not feeling well and requested a break. According to the Parent, Special Education Teacher 1 denied the Student a break, leading to the Student's escalation, which included damage to a school-issued computer. The Parent said, "The computer being broken is related to [the Student's] disability." They believed an MDR should have been conducted prior to criminal charges being filed against the Student due to the destruction of property. The Parent explained they were informed of the charges from the Juvenile Diversion Officer. They believed the LEA should have notified them of the criminal charges prior to being contacted by the Juvenile Diversion Officer.
45. The Parent recalled law enforcement was first involved with the Student in fifth grade, which prompted the Parent to change districts. They shared the Student experienced "trauma because at [sic] fifth grade the school called police on [the Student]." Subsequently, the Student was afraid of law enforcement officers. The Parent stated the Student did not interact with law enforcement during sixth and seventh grades. In eighth grade, the Student became distressed and eloped from their middle school. Law enforcement, as well as emergency medical staff, were called to assist the Student. The Parent stated since that incident, the Student struggled with their mental health, and continued to be afraid of law enforcement. The Parent believed this fear contributed to the events of September 22, 2025, because the Student was "on a walk and suddenly [the Student] found that there is bunch [sic] of people and there is police other than [the SRO]."
46. The Parent expressed the Student's IEP was not being followed because "[the Student] just wants a break, but the staff refuse to give [the Student] a break. [The Student] just [wants] [to] go to the safe room and stay there until [they] feel calm." The Parent believed the staff at the High School and the Transitional School knew "what's triggering [the Student]" and were "provoking escalation" by refusing breaks and taking the Student's electronic devices.
47. The Parent recalled that, during an IEP meeting after the February 10, 2026 behavior incident, Social Worker 1 said the High School lacked appropriate staff for the Student's needs. The Parent indicated a change of placement was suggested, and they declined. The Parent shared "my English is very bad." Therefore, they relied on the IEP team to explain the PWN, and felt the Outside Psychologist was "pushing" them to sign the document. They said, "I did sign it because it says that they need to do an evaluation and I need to sign it … later I found out that this prior writing [sic] notice, it's written

differently than it was told to me." The Parent expressed, "They really trick[ed] me because I was understanding that I did sign it to conduct an evaluation, but the way how [sic] they write it, … they're going to do [an] evaluation in a different school." The Parent believed the LEA effectively forced an evaluative placement at a different school.

48. The Parent believed the LEA "lied" to them about the Transitional School. They stated the Student received no academic support and was given work at a fifth-grade level. The Parent perceived the Transitional School as "very restrictive" because there was "no camera, no phone" during school hours. They said, "So the staff can do whatever they want to [the Student], and I don't know what they are doing." The Parent claimed the Student suffered three concussions while at the Transitional School. The Parent believed the Student would only attend the Transitional School during the evaluation period and stated the LEA "refused" to return the Student to their "regular school" at the end of the evaluation period. The Parent said the Student finished the school year in the hybrid placement, therefore, "[the Student] missed academic [sic] the whole school year last year."
49. Regarding educational support during the Student's hospitalization, the Parent stated the Children's Hospital provided a teacher who "was helping [the Student] in a few classes." The Parent said the Student participated in "some classes … online." They expressed that Special Education Teacher 1 did not provide the level of support the Parent and Student were expecting upon the Student's return to the High School when the Student did not receive the classes and education they needed.
50. Regarding sharing of personally identifiable information, the Parent stated they knew they signed a ROI form for the Outside Psychologist. They clarified their Complaint stemmed from requesting information about the February 10, 2026 behavior incident. The Parent explained both they and the Outside Case Manager emailed Special Education Teacher 1 seeking detailed information about the incident. Special Education Teacher 1 responded with the two official referral documents only, which did not contain details about the incident. However, Special Education Teacher 1 emailed the Outside Psychologist, requesting a phone call and giving a detailed account of the incident. The Parent objected to Special Education Teacher 1 emailing a detailed account to the Outside Psychologist. They said both Special Education Teacher 1 and the Outside Psychologist refused to provide the same information to the Parent. The Parent stated Special Education Teacher 1 should have called and spoken to them first, rather than communicating with the Outside Psychologist. The Parent said, "They was [sic] just talking together behind my back while I was looking for information."
51. The Parent shared they had a copy of the High School student handbook. They did not understand what "procedural safeguards" were, but did have a copy of parental rights. The Parent stated they did not receive information about the LEA's role and responsibilities to the Parent and the Student when criminal charges were pressed against the Student. The Parent stated, "If there is an incident [that] happen[ed] at school, they're supposed to give me all the information about what happened. They cannot hide information from me."

## Special Services Coordinator Interview

52. In an interview with the Complaint Investigator, the Special Services Coordinator was joined by the Assistant Director of Special Services to share information regarding the LEA's implementation of the Student's IEP. The Special Services Coordinator stated they had a limited but friendly relationship with the Student, and a "complicated" relationship with the Parent.
53. The Special Services Coordinator shared the Student began early childhood services within the LEA, before moving to a different district for elementary school. The Student returned to the LEA in sixth grade. The Special Services Coordinator stated the Parent became "closed off" due to a misunderstanding during this transition. The Special Services Coordinator explained the Parent believed the LEA was not able to offer the same services as the previous district. The Special Services Coordinator stated they attempted to explain the programs were comparable and were unsure if the Parent understood.
54. The Special Services Coordinator recalled the Student's IEP and BIP were "based heavily upon the partnership" between the LEA and the Student's outside medical providers. They stated the Parent was involved with creating both documents, and "in agreement with those supports that were in the [BIP]." The Special Services Coordinator shared the Outside Psychologist was "a big part of our discussion" about the Student's placement. The Special Services Coordinator indicated the Outside Psychologist was concerned about the Student's mental health and considered the Transitional School a "good placement" option.
55. Regarding the Transitional School and the Student's "evaluative placement," the Special Services Coordinator stated the IEP team met on February 18, 2026 to discuss the reevaluation process. They confirmed the Parent signed the PWN giving consent for the hybrid placement for the purposes of reevaluation on February 23, 2026. The Special Services Coordinator shared the Parent was offered and declined a tour of the Transitional School prior to the Student's evaluative placement. They stated the team had met previously on February 12, 2026 to discuss the Student's behavior incident on February 10, 2026. The Special Services Coordinator indicated the Student's outside medical professionals were present at the meetings on February 12 and February 18, 2026.
56. At the conclusion of the reevaluation period, the Special Services Coordinator stated the IEP team, including the Parent, met on April 27, May 4, and May 15, 2026. They indicated the team was not able to complete the IEP at the April 27, 2026 meeting. The Special Services Coordinator shared the Parent "walked out" of the meeting on May 4, 2026 before the meeting came to a conclusion. The Special Services Coordinator recalled the team was "able to get through the proposed IEP" on May 15, 2026. The initial IEP included a full-time placement at the Transitional School. The Special Services Coordinator confirmed the Parent did not consent to the placement, and indicated the Student was returned to full-time placement at the High School, implementing the placement described in the December 15, 2025 IEP for the 2026-27 school year.

57. The Special Services Coordinator stated they were not present for the Student's behavior incidents at the High School on September 22, 2025 or February 10, 2026. Their knowledge of the incidents came from reports from the staff present. The Special Services Coordinator believed the Student's IEP and BIP were followed according to information provided to them from the present staff. They recalled the Parent wanted staff to "just leave [the Student] alone," but staff maintained "leaving [the Student] unattended during that time was not an option because the team was afraid that [the Student] might hurt [themselves]."
58. Regarding law enforcement, the Special Services Coordinator stated, "The SRO is in the building when there [are] those types of incidents where a student is unsafe." They stated the SRO, not the LEA, made contact with additional law enforcement officers during the incident on September 22, 2025, and confirmed the Student was escorted from the building by law enforcement on that date. The Special Services Coordinator explained only the SRO could make a referral to law enforcement or the county courts. They stated, "We don't have jurisdiction to make those referrals." The Assistant Director of Special Services confirmed the LEA did not direct the SRO to file police reports or charges and clarified the SRO independently reported the February 10, 2026 property destruction to the county courts. The Assistant Director of Special Services stated the LEA did not press charges, and any charges were "outside of our control."
59. Regarding the Student receiving special education services during periods of removal, the Special Services Coordinator stated the Student "was not removed for more than 10 days." They explained that during the Student's hospitalization, the LEA made attempts to contact the Parent and was unable to reach the Parent. The Assistant Director of Special Services shared the Parent finally reached out to the LEA when a "ready, willing, and able letter" was sent to them. The Assistant Director of Special Services clarified the LEA did not provide services while the Student was hospitalized because the Parent did not present the Student for services. The Special Services Coordinator stated IEP team meetings were held on October 14, November 10, and November 18, 2025 to address reinstating services for the Student. They mentioned the Outside Psychologist was present at each meeting.
60. The Special Services Coordinator indicated the LEA held the April 9, 2026 MDR for the Student based on behaviors. They stated the Student's behavior was determined to be a manifestation of the Student's disability, therefore, the Student was returned to their placement after serving a two-day out-of-school suspension. The Special Services Coordinator mentioned the Outside Psychologist was present for the MDR. The Assistant Director of Special Services clarified the Student had not met the threshold for ten days of removal, however, the IEP team "felt at that point it was appropriate" to hold an MDR anyway.
61. The Special Services Coordinator stated the LEA reviews ROIs every year. They indicated the forms typically give permission to reciprocally share information with outside agencies for the duration of a school year, but may be up to a full calendar year. The Special Services Coordinator shared the forms were primarily stored electronically, with any physical copies being securely filed in the school psychologist's office. They

confirmed the LEA had active ROIs on record for the Outside Case Manager, the Outside Psychologist, and Advocate 1 during the Complaint period. The Assistant Director of Special Services was unaware of any emails regarding the Student that were shared with individuals or agencies that did not have a ROI on record.

## Special Education Teacher 1 Interview

62. In an interview with the Complaint Investigator, Special Education Teacher 1 stated they communicated with the Parent via text, phone, in-person meetings (including IEP meetings), and email.
63. Special Education Teacher 1 explained they typically saw the Student every day, usually for 45 minutes a day. They indicated they saw the Student for 90 minutes a day once a week due to having block schedules. Special Education Teacher 1 added if the Student became dysregulated during a general education class, the Student returned to Special Education Teacher 1's classroom for support.
64. Regarding the incident on September 22, 2025, Special Education Teacher 1 stated they contacted the Parent earlier that day because the Student slept through their class, which they indicated "wasn't normal."
    a. Special Education Teacher 1 explained that on the morning of September 22, 2025, they found the Student "dysregulated and nonverbal" in the art hallway. They indicated they followed the Student's BIP, cleared the space to create privacy, and designated roles for who would communicate with the Student and who would contact the Parent. They stated the people involved in the incident were Social Worker 1, the High School Assistant Principal, a security specialist, and a school psychologist.
    b. Special Education Teacher 1 described trying to talk to the Student, who had their headphones in, so they also wrote notes to the Student. They indicated the Student then ran from them and went to a bathroom in another part of the building and engaged in "self-injurious" behaviors such as hitting their head against the bathroom stalls. They stated the Student needed assistance to stop because they were "pretty significant headbangs." Special Education Teacher 1 stated the School Resource Officer restrained the Student and moved them out of the restroom.
    c. Special Education Teacher 1 stated the Student was being moved to the School Resource Officer's office, and while going there, was yelling about "rape." They indicated that once in the School Resource Officer's office, they tried to calm down the Student by offering water and a fan. They stated the Student was "screaming, crying, heavy panting, talking about wanting to die, wanting the officer to just shoot [them]," and added that other officers were called for assistance.
    d. Special Education Teacher 1 stated the Parent arrived and the Student calmed down enough to be transported to a hospital.

e. While they did not recall exact numbers, Special Education Teacher 1 believed there were three or four other police officers who joined the September 22, 2025 incident.

65. Special Education Teacher 1 described the High School's "code purple" as clearing the halls, the teachers staying in their rooms, and students staying out of the hallways. They indicated a code purple could be called in response to a medical emergency or a "privacy thing." They stated a code purple was called for the area where the Student was on September 22, 2025, but not school-wide.
66. Special Education Teacher 1 stated that after the September 22, 2025 incident, the Student was taken to the hospital for an evaluation, and they believed the Parent helped make that decision.
67. Regarding the February 10, 2026 incident, Special Education Teacher 1 stated the Student was in their classroom playing a game, laughing, and joking. They indicated that during the last 15 minutes of class, the Student was "trying to make sounds and get other people off task … ."
    a. Special Education Teacher 1 prompted the Student to work on an online course because the Student was showing signs of regulation. They believed they were providing the Student with a break in a calm space, as detailed by the Student's IEP.
    b. Special Education Teacher 1 stated the Student started punching and hitting the computer. They asked the Student to stop, and the Student did not comply. Special Education Teacher 1 indicated the Student broke the computer, and they calmly took it from the Student. Special Education Teacher 1 explained the Student started kicking the furniture and threw their coffee drink and backpack. Special Education Teacher 1 indicated they "used" the behavior plan by clearing the room.
    c. Special Education Teacher 1 stated they did a "three button push" to alert the administration, the nurse, and the School Resource Officer that they needed help. They indicated staff responded, and the Student started kicking and punching themselves in the head, and hitting their head against the wall. Special Education Teacher 1 then called the Parent. They indicated the Student later calmed down but appeared disoriented, and then started crying again.
68. Special Education Teacher 1 did not recall observing any escalation from an adult or team member towards the Student in either the September 22, 2025 or February 10, 2026 incidents. They added that, during the times police were involved, the police still allowed them access to the Student to talk to them and calm them down.
69. Special Education Teacher 1 described the Student's signs of distress included heavy breathing, sweating, and self-injurious behaviors such as punching themselves or digging their nails into their arm. They explained they intervened by offering sensory items, talking to the Student, or giving them time. They indicated the Student could also become nonverbal when escalated.
70. 70. Special Education Teacher 1 stated the Student's IEP was revised during the 2025-26 school year, and a re-evaluation was completed because they were still seeing

behaviors. They described the IEP team working with school psychologists, social workers, a behavior coach, and outside providers regarding the Student's services and to revise the Student's IEP.

71. Special Education Teacher 1 described an MDR meeting regarding the Student. They stated the behavior in question was the Student masturbating in class, and the Student was currently at eight days of suspension. The team discussed the situation, "voted," and determined the behavior was part of the Student's disability, so the Student returned to school the next day.
72. Special Education Teacher 1 described the Student's hybrid evaluative placement. They indicated the Student spent three hours at the High School and four hours at the Transitional School. At the High School, the Student participated in orchestra and a self-paced online program. They stated the Student was making progress. Special Education Teacher 1 stated they supported the Student's transportation to the Transitional School. They also noted the Parent consented to the evaluative placement, and before that, Special Education Teacher 1 toured the Transitional School with the Parent.
73. Special Education Teacher 1 stated the Transitional School primarily monitored the Student's access to the online learning program, and said the Student had access to that program over the summer.
74. Special Education Teacher 1 explained the Student did not receive services during their eight days of suspension, but the High School was ready and willing to provide services during a Parent-elected hospitalization of the Student. Special Education Teacher 1 indicated they communicated with the Student's teachers and collected work for the Student to complete while they were in the Children's Hospital. They also had a virtual call with the Student while they were at the Children's Hospital to prepare them to return to school. They added the Children's Hospital was aware of the Student's IEP and was implementing their own strategies. Special Education Teacher 1 stated they acted as a liaison between the High School's general education teachers and the Student's teacher at the Children's Hospital.
75. Special Education Teacher 1 stated the Student had a split placement during progress reports created from January 2, 2026 through March 31, 2026. They indicated the Student was having episodes of dysregulation during that time. They explained the High School had "tons of communication" with the Transitional School via the behavior coach, who collected data in both settings. They indicated the High School and the Transitional School used the same data collection so it was consistent across both settings.

## Social Worker 1 Interview

76. In an interview with the Complaint Investigator, Social Worker 1 stated they communicated with the Parent through email, phone, and during IEP meetings. Social Worker 1 interacted with the Student in the capacity of a special service provider for 20 minutes a week, but said they saw the Student almost every day.
77. Regarding the September 22, 2025 incident, Social Worker 1 stated they were notified the Student was missing and also observed the Student run past them. They explained

that when they arrived, they saw Special Education Teacher 1 sitting on the floor with the Student, and observed the Student was trying to self-soothe with their headphones.

a. Social Worker 1 stated the staff started writing notes to the Student, but they were unsure how much the Student was processing because they were not responding verbally or non-verbally.
b. Social Worker 1 explained the Student went "sprinting" through the commons and into a bathroom, where they were "hitting [their] head" and kicking the bathroom stall. They described the Student as aggressive and screaming, "Kill me. Help me. Somebody help me." They indicated this was when the School Resource Officer arrived. Social Worker 1 recalled possibly one or two other officers who responded to the incident.
c. Social Worker 1 stated they spoke with the Parent upon their arrival, and perceived the Parent as not wanting the Student to be hospitalized. They indicated the Student left with the police and the Parent followed. They perceived the Parent and the police "had made that arrangement."

78. Regarding the February 10, 2026 incident, Social Worker 1 walked with the Student to their weights class. They indicated the Student refused to go any further, so they returned to Special Education Teacher 1's classroom. Social Worker 1 said they left the classroom and then were asked to return to Special Education Teacher 1's room because the Student had broken a computer.
    a. When they entered the room, Social Worker 1 saw the Student on the ground with their head up against the cement wall. They indicated the Student was "screaming … crying … trying to bang [their] head on the wall … punching the wall … ." Social Worker 1 grabbed pillows to try and block the Student's punches against the wall and tried to tell the Student they were safe. Social Worker 1 stated they covered the Student with a weighted blanket and observed Special Education Teacher 1 on the phone with the Parent. Social Worker 1 perceived at this time, the Student was injuring themself.
79. Social Worker 1 did not recall observing any escalation from an adult or team member towards the Student in either the September 22, 2025 or February 10, 2026 incidents.
80. Regarding their role in implementing the Student's IEP, Social Worker 1 stated they worked with the team as a support provider. They also worked with the Student on coping skills. They explained they worked with the Student on processing experiences and brainstorming potential solutions to experiences that did not go well.

## High School Assistant Principal Interview

81. The High School Assistant Principal explained that special education students "fall underneath their supervision" and that they work with Special Education Teacher 1 to support the special education students' needs. They explained they "go into the classroom every day and talk to certain students."
82. The High School Assistant Principal stated they interacted with the Student "maybe once a week." They further explained these interactions were typically "just asking the Student how they were doing and are you having a good day." The Student would

sometimes ignore them or nod. They stated the Student's response was a "very typical teenager" response.

83. On September 22, 2025, Special Education Teacher 1 called the High School Assistant Principal for help after Special Education Teacher 1's attempts to redirect the Student to a designated calming area failed. Instead, the Student ran into a bathroom. The bathroom was subsequently cleared. The Student was banging their head against the wall while the Assistant Principal and the SRO placed their hands against the wall to protect the Student's head. The Paraprofessional was also in the bathroom. Communication with the Student was reportedly difficult as the Student repeatedly claimed staff were "raping them" and refused the Assistant Principal's offers to go for a walk or return to the classroom. The Student eventually calmed down and walked with the Assistant Principal and SRO to the SRO's office while continuing to bang their head en route. Once in the SRO's office, the Assistant Principal departed, the Student was relocated, and the Parent was called.
84. The High School Assistant Principal shared they spoke with the Parent about what had happened. They advised the Parent that the Student "would stay home" and gave the Student a five-day out-of-school suspension for the September 22, 2025 disruption and was coded as behavior, defiance of authority, and assault.
85. The High School Assistant Principal explained the assault code was due to the Student headbutting the Paraprofessional while the Student and the Paraprofessional were in the bathroom. According to the High School Assistant Principal, the Paraprofessional was trying to calm the Student down. The Paraprofessional was asking the Student to follow directions and offered, "Let's go to the calming room … let's go for a walk."
86. The High School Assistant Principal shared that on February 10, 2026, the Student refused to attend their assigned class. Instead, the Student chose to take a break in Special Education Teacher 1's classroom. According to the High School Assistant Principal, this was a part of the Student's IEP. When Special Education Teacher 1 told the students in the class that they were going to do 15 minutes of academics, the Student then became dysregulated. They reportedly destroyed their laptop, threw chairs and a desk, threw their coffee against the wall, and threw their backpack at Special Education Teacher 1. According to the High School Assistant Principal, the following staff members witnessed the incident: The High School Assistant Principal, the Student, Special Education Teacher 1, and Social Worker 1 were in the classroom at this time. The SRO remained outside of the classroom.
87. The High School Assistant Principal confirmed that law enforcement was called on September 22, 2025, and February 10, 2026. They stated on February 10, 2026 a police report was made, because the Student had damaged their school-issued computer. The High School Assistant Principal further explained that police reports are made by the SRO when a student destroys LEA property. The report then goes to the county courts. The High School Assistant Principal said police reports are "typical practice" and have happened "multiple times" with students, however, they did not recall this happening with the Student before.

88. Regarding the April 9, 2026 MDR, the High School Assistant Principal shared "the team came to me and asked if they could do a manifestation." They indicated, at the time of the request for an MDR, the Student had received eight days of out-of-school suspension. The High School Assistant Principal indicated they were on the MDR panel. They shared that the Parent was a part of the process.

## Social Worker 2 Interview

89. In an interview with the Complaint Investigator, Social Worker 2 described themselves as one of the Student's "trusted people" who would "triage" with the Student every day upon their arrival. They indicated the Student would come to their space sometimes, which had several comfort items for the Student. Social Worker 2 stated the Student came to them when they had a problem or were struggling in the classroom and took a break.
90. Regarding an incident on May 15, 2026, Social Worker 2 described the Student as struggling and asking inappropriate questions. They indicated the Student did not want to leave their space. They explained the Student started to escalate, but the Student had access to a yoga mat, fidgets, a comfortable chair, and headphones. Social Worker 2 stated the Student agreed to sit and rest, which lasted less than an hour, and then they and the Transitional School Principal performed a mental status check because the Student was escalated. Social Worker 2 said at that time, the Student knew where they were and who the Transitional School Principal was, and was trying to engage.
91. Social Worker 2 described the Student being escalated as their voice getting loud and making "odd statements." They stated when the mental status check was performed, the Student had not injured themselves or others.
92. When asked how they implemented the Student's IEP, Social Worker 2 stated they offered the Student support as needed, breaks, and that fidgets and headphones were available to the Student. If they saw the Student was escalating, Social Worker 2 would ask the Student what they needed or how they could help, or would play classical music.
93. Social Worker 2 said Special Education Teacher 2 handled the data collection. They believed the Student had lower scores at the Transitional School because there were more people watching the Student and looking for specific behaviors.

## Transitional School Principal Interview

94. In an interview with the Complaint Investigator, the Transitional School Principal stated they sometimes "triaged" with the Student and made sure the Student was regulated. They indicated they sometimes responded to crises the Student was having.
95. Regarding the May 15, 2026 incident, the Transitional School Principal recalled responding because the Student was escalated. They did not recall the Student making any statements, but said the staff documented it. They described asking the Student questions about knowing who people were and where they were, and determined they could encourage the Student to continue with their day. The Transitional School

Principal recalled the Student continued with their schedule until they escalated again during checkout at the end of the day.

96. The Transitional School Principal stated they were informed that during checkout, the Student approached Special Education Teacher 2 and tried to grab an iPad, and then punched the glass window in the classroom three times. They explained the Student was escorted to the safe room, where they tried to elope, but did not.
97. The Transitional School Principal explained the Transitional School had a Positive Behavioral Interventions and Supports (PBIS) program established where they tracked the Student's ability to demonstrate being responsible, independent, safe, and engaged. The Student earned a score of 0 to 2 in each of those categories each day. They stated the Transitional School had support from the Behavior Coach, who collaborated with the High School to evaluate and collect data from both sources and blend the information together to get usable data.

## School Behavior Coach Interview

98. In an interview with the Complaint Investigator, the School Behavior Coach described helping the Student's team collect, compose, and analyze data during the 2025-26 school year. The School Behavior Coach described the Student's January 2026 progress, indicating the Student had returned from a PHP and was "doing really well" at the School due to "consistent treatment and consistent medication management and working on all of those coping skills and strategies … ." In contrast, the Student's March 2026 progress indicated a decline from a "3" to a "2" on their progress report due to a decline in the Student's mental health. According to the data, the Student was struggling with emotional regulation, and the team recommended a "split evaluative placement," which included the Student attending the High School in the morning and the Transitional School in the afternoon. The School Behavior Coach shared that the Student resisted attending the Transitional School and struggled to "adapt to that environment in terms of following building expectations."
99. The School Behavior Coach described the Transitional School as being "so restrictive" with "much less flexibility and much less freedom" than the High School and noted that at the Transitional School, the Student was taking classes on an online platform that "[the Student] did not like." Despite the data showing the Student's initial struggle during the split evaluative placement, the Student "made some really big gains between March 13 [2026] and the end of May [2026]," which the School Behavior Coach attributed to adjusting to the environment and schedule.
100. The School Behavior Coach explained the protocol used to collect data on the Student was the same at both the High School and the Transitional School while conducting the FBA. Additionally, the School Behavior Coach noted the data collection process included trialing different interventions to determine the Student's response. Team meetings included the Student's medical team as well as membership from the High School and Transitional School.
101. The School Behavior Coach confirmed they witnessed the implementation of the Student's IEP and BIP at the High School and the Transitional School and indicated the

revisions to the Student's IEP after the FBA were appropriate and supportive of the Student's needs.

## Issue One

Whether USD #233, in accordance with state and federal regulations implementing IDEA, implemented the Student's IEP during incidents on September 22, 2025 and February 10, 2026, and when the Student was removed from school. K.A.R. 91-40-16(b), K.S.A. 72-3429(a)(1); 34 C.F.R. § 300.323(a)(d).

### Applicable Law

According to K.A.R. 91-40-16(b), K.S.A. 72-3429(a)(1) and 34 C.F.R. § 300.323(a)(d), each agency shall ensure that the following conditions are met: an IEP is in effect before special education and related services are provided to an exceptional child; those services for which written consent has been granted as specified by law are implemented not later than 10 school days after parental consent is granted unless reasonable justification for a delay can be shown; an IEP is in effect for each exceptional child at the beginning of each school year within its jurisdiction; and the child's IEP is accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation. Additionally, each teacher and provider is informed of the following: that individual's specific responsibilities related to implementing the child's IEP and the specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.

The Parent alleged the LEA's non-compliance with state and federal regulations under the IDEA, "[the School] failed to implement the IEP/BIP, as result the [S]chool failed to address the issue by continuing triggering escalation."

The LEA maintained the Student's IEP and BIP were followed during the incidents on September 22, 2025, February 10, 2026, and May 15, 2026. The LEA stated the Parent kept the Student home for the rest of the school year after the May 15, 2026 incident.

### Analysis: Findings of Fact

The evidence showed the Student had an IEP and BIP in place prior to the behavior incidents on September 22, 2025, and February 10, 2026. Written accounts, as well as interview statements, supported the staff at both the High School and the Transitional School appropriately followed the IEP and BIP during the Student's behavior incidents. Strategies employed during both incidents included allowing the Student to talk a walk, providing access to a calming space, giving clear directions and using written communication, redirection, and safety protocols.

Regarding disciplinary removals, the Student was not subjected to disciplinary removals exceeding 10 days by the LEA, so the requirement to provide special education services was

not triggered. When the Parent voluntarily hospitalized the Student during the first semester of the 2025-26 school year, the Student received services through the Children's Hospital PHP program. The LEA communicated and collaborated with the Children's Hospital to support the Student during their participation in the program.

### Conclusion

Based on the foregoing, according to the IDEA and Kansas special education regulations, the *LEA was compliant* when implementing the Student's IEP during incidents on September 22, 2025 and February 10, 2026 and they were not required to provide services during the Student's out-of-school suspensions.

## Issue Two

Whether USD #233, in accordance with state and federal regulations implementing the IDEA, properly referred the matter to law enforcement and pursued criminal charges against the Student. 34 C.F.R. § 300.535.

### Applicable Law

According to 34 C.F.R. § 300.535, nothing in this part prohibits an agency from reporting a crime committed by a child with a disability to appropriate authorities or prevents State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability. An agency reporting a crime committed by a child with a disability must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime. An agency reporting a crime under this section may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

The Parent alleged that due to an incident on February 10, 2026, the LEA " … the school referred the matter to law enforcement and pursued criminal charges against [the Student]."

The LEA stated the criminal charges were brought directly by the District Attorney's office, from a destruction of property report entered in the record by the School Resource Officer. The LEA did not press charges against the Student; however, they were required to cooperate with law enforcement.

### Analysis: Findings of Fact

The evidence indicated the Student damaged a school-issued computer, valued at $700, and the computer was not repairable. While the Parent may believe the Student should not receive consequences due to Autism, the law allows the LEA and law enforcement to enact the same consequences for code of conduct violations that would be appropriate for nondisabled peers

for up to 10 school days in a school year. The documentation and interview statements establish that the SRO filed the criminal charges for property damage independently in their capacity as a law enforcement officer, rather than the LEA filing charges against the Student. Therefore, there was no referral from the LEA to law enforcement, which still would have been allowable.

### Conclusion

Based on the foregoing, according to the IDEA and Kansas special education regulations, the *LEA was compliant* when they followed the law regarding criminal charges against special education students.

## Issue Three

Whether USD #233, in accordance with state and federal regulations implementing the IDEA, shared the Student's protected personal information without parental consent. K.A.R. 91-40-50(a)(2)(3)(b); 34 C.F.R. §§ 300.611, 300.622, 34 C.F.R. 99.31.

### Applicable Law

According to K.A.R. 91-40-50 (a)(2)(3)(b), as used in this regulation, the following terms shall have the meanings specified in this subsection: "educational records" means any document or medium on which information directly related to one or more students is maintained by a participating agency; and "participating agency" means any educational agency or institution that collects, maintains, or uses personally identifiable student information to provide special education and related services to children with disabilities.

According to 34 C.F.R. § 300.611 Education records means the type of records covered under the definition of "education records" in 34 CFR part 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g (FERPA)).

According to 34 C.F.R. § 99.31, an educational agency or institution may disclose PII from an education record of a student without the consent if the disclosure meets one or more of the following conditions: the disclosure is to other school officials, including teachers, within the agency or institution whom the agency or institution has determined to have legitimate educational interests; a contractor, consultant, volunteers, or other party to whom an agency or institution has outsourced institutional services or functions may be considered a school official provided that the outside party: performs an institutional service or function for which the agency or institutions would otherwise use employees; is under the direct control of the agency or institution with respect to the use and maintenance of educational records; and is subject to the requirements governing the use and redisclosure of PII from educational records. Additionally, an educational agency or institution must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests.

According to 34 C.F.R. § 300.622, parental consent must be obtained before personally identifiable information is disclosed to parties, other than officials of participating agencies, unless the information is contained in educational records, and the disclosure is authorized without parental consent. Parental consent is not required before personally identifiable information (PII) is released to officials of participating agencies for purposes of meeting a requirement of this part.

The Parent alleged that due to the February 10, 2026 incident they received an email from a 3rd party indicating the LEA violated the Family Educational Rights and Privacy Act (FERPA).

The LEA maintained they received release of information forms signed by the Parent for all outside providers with which staff communicated. These providers included Advocate 1, Advocate 2, the Outside Case Manager, the Outside Psychologist, and the Children's Hospital.

### Analysis: Findings of Fact

During their interview, the Parent acknowledged that valid ROIs were active throughout the complaint period. No evidence indicated that the LEA shared personally identifiable information with outside agencies without authorization during this timeframe. Instead, the Parent clarified that their concern stemmed from Special Education Teacher 1 emailing details of the February 10, 2026 behavior incident to the Outside Psychologist and did not include the Parent in the email. LEA staff knowledgeable about the Complaint confirmed that this same information had been shared with the Parent in person on multiple occasions.

Although the Parent requested to be added to all emails to authorized outside providers, the law is silent on whether or not the Parent must be included in communications between the LEA and authorized outside parties.

### Conclusion

Based on the foregoing, according to the IDEA and Kansas special education regulations, the *LEA was compliant* when they shared the Student's information with the proper releases of information.

## Issue Four

Whether USD #233, in accordance with state and federal regulations implementing the IDEA, changed the Student's placement due to behavior without holding an MDR. K.A.R. 91-40-38(a), K.S.A. 72-3433(a)(d); 34 C.F.R. §§ 300.530(e), 300.536.

### Applicable Law

According to K.A.R. 91-40-38(a), if an agency proposes to make a change in educational placement for disciplinary reasons, the agency shall implement the provisions of K.S.A. 72-991a (transferred to 72-3433 as of September 2026) and the amendments thereto.

According to K.S.A. 72-3433(a)(d), school personnel may order a change in the placement of a child with a disability to an appropriate interim alternative educational setting or other setting, or the short-term suspension of the child if the child carries or possesses a weapon to, or at, school, on school premises, or to, or at, a school function under the jurisdiction of an agency; or if the child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of an agency; or the child has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an agency; or to an appropriate interim alternative educational placement for not more than 186 school days, if it is determined that the conduct of the child violated the code of student conduct and was not a manifestation of the child's disability, if the relevant disciplinary procedures applicable to children without disabilities are applied in the same manner and the discipline is for the same duration as would be applied to a child without disabilities, except that services must continue to be provided to the child during the period of disciplinary action. If a disciplinary action is contemplated: not later than the date on which the decision to take that action is made, the agency shall notify the parents of that decision and of all procedural safeguards and amendments; and within 10 school days of the date on which the decision to take disciplinary action is made, a review shall be conducted to determine the relationship between the child's disability and the conduct that is subject to disciplinary action.

According to 34 C.F.R. § 300.530(e), within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the child's IEP team (as determined by the parent and the LEA) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine: if the conduct in question was caused by, or had a direct and substantial relations to the child's disability; or if the conduct in question was the direct result of the LEA's failure to implement the IEP. The conduct must be determined to be a manifestation of the child's disability if the LEA, the parent, and relevant members of the child's IEP team determine that either of these conditions was met. If the LEA, the parent, and relevant members of the child's IEP Team determine the condition of this section was met, the LEA must take immediate steps to remedy those deficiencies.

According to 34 C.F.R. § 300.536, for purposes of removals of a child with a disability from the child's current educational placement, a change of placement occurs if: the removal is for more than 10 consecutive school days; or the child has been subjected to a series of removals that constitute a pattern because the series of removals total more than 10 school days in a school year; or because the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and because of such additional factors as the length of each removal, the total amount of time the child has been removed and the

proximity of the removals to one another. The public agency determines on a case-by-case basis whether the pattern of removals constitutes a change of placement.

The Parent alleged the LEA failed to hold an MDR and "properly determine whether the conduct was caused by, or had a direct and substantial relation to, [the Student's] disability, or whether the conduct was the direct result of the [LEA's] failure to implement [the Student's] IEP."

The LEA stated the Student was not subject to a change in placement that would trigger an MDR, however, an MDR was conducted due to behavior concerns. The MDR concluded the Student's behavior was a manifestation of their disability, and the Student was returned to their placement.

## Analysis: Findings of Fact

Due to criminal charges being filed, the Parent believed the behavior incident on February 10, 2026 should have triggered an MDR before the Student's placement was changed. The Parent asserted the property damage was a direct result of the Student's disability. As mentioned above, the criminal charges were filed independent of the LEA. The LEA maintained the change of placement, to a hybrid schedule between the High School and the Transitional School, was for evaluative purposes, not disciplinary reasons. Email correspondence between the LEA and the Parent indicated a reevaluation was proposed on February 9, 2026, prior to the February 10, 2026 behavior incident.

Emails from various staff members indicated the Student began experiencing increased frequency of targeted behaviors in January 2026 which interfered in their ability to make IEP goal progress. Meeting notices, emails, and PWN verified the change of placement for evaluation purposes was discussed with the full IEP team, and PWN issued for the evaluation and change of placement noted the hybrid placement was a compromise between the LEA and the Parent. After further discussion through email, the Parent signed consent for the placement on February 26, 2026.

The Student was not removed from the educational setting for more than 10 consecutive days for disciplinary reasons before or because of the February 10, 2026 behavior incident. Therefore, the placement change to a hybrid instructional model did not trigger the need for an MDR.

The LEA elected to hold an MDR due to behavior concerns when the Student committed a non-violent sexual offense in the general education setting. The MDR was held on April 9, 2026, within 10 days of the offense, and the panel concluded the Student's actions were a manifestation of their disability. The Student was returned to their previous placement after a two-day out-of-school suspension for violating the LEA student code of conduct. The Student was not removed from the educational setting for disciplinary reasons for more than 10 days at the time of the MDR. Therefore, the LEA was not required to hold an MDR.

### Conclusion

Based on the foregoing, according to the IDEA and Kansas special education regulations, the *LEA was compliant* when the Student's placement was changed.

## Issue Five

Whether USD #233, in accordance with state and federal regulations implementing the IDEA, provided required academic support and IEP accommodations when the Student's placement was changed. K.A.R. 91-40-35, K.S.A. 72-3433(b); 34 C.F.R. § 300.530(d).

### Applicable Law

According to K.A.R. 91-40-35 and 34 C.F.R. § 300.530(d), an agency shall not be required to provide special education or related services to a child with a disability who has been suspended from school for 10 or fewer school days during any school year, if the agency does not provide educational services to nondisabled children who are suspended from school. A child with a disability shall be entitled to continue to receive special education and related services if the child is suspended from school under either of the following circumstances: for more than 10 cumulative school days in any school year, but with these suspensions not resulting in a change of placement for disciplinary reasons; or for more than 10 consecutive school days in any school year for behavior that has been determined not to be a manifestation of the child's disability. If a child with a disability is suspended from school under either of the aforementioned circumstances, the agency that suspended the child shall provide, commencing on the 11th day of suspension and during any subsequent day or days of suspension, special education and related services that are needed to enable the child to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the child's IEP.

If a child with a disability is placed in an interim alternative educational setting, the agency shall provide special education and related services to the child that meet the following requirements: the services provided shall enable the child to continue to progress in the general curriculum, although in another setting, and to receive those services and modifications, including those described in the child's IEP, that will enable the child to meet the goals set out in the IEP. The services shall include services and modifications that address the child's misbehavior and that are designed to prevent the misbehavior from recurring.

According to K.S.A. 72-3433(b) and 34 C.F.R. § 300.530(d), any child with a disability whose placement is changed shall: continue to receive educational services so as to enable the child to continue to participate in the general education curriculum, although in another setting and to progress toward meeting the goals set out in the child's IEP; and receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications that are designed to address the inappropriate behavior so that it does not recur.

The Parent alleged the LEA did not provide IEP services and accommodations, specifically academic supports, during the March 3, 2026 placement change.

The LEA maintained they did not change the Student's placement and were not required to provide academic support or accommodations during out of school suspensions.

### Analysis: Findings of Fact

The Student's initial change of placement to the hybrid schedule of general education and the Transitional School was not a disciplinary removal, rather an evaluative tool through the IEP team. Documentation indicated the IEP team, including and in collaboration with the Student's outside medical providers, recommended the evaluative change of placement due to increased frequency of targeted behavior by the Student and concerns for the Student's mental health. The Parent consented to the change of placement after thorough discussion.

The Transitional School exists on the LEA's special education continuum. The Student's schedule contained academic classes at both the High School and the Transitional School, including specialized instruction, and service logs indicated related services were provided at the Transitional School. While dually enrolled, the Student continued to receive specially designed instruction as required in their IEP, and maintained academic progress through an online instructional platform. The Student had previously used the online instructional platform while solely at the High School. The LEA therefore maintained the Student's academic expectations when their placement was changed. While the Parent may have believed Special Education Teacher 1 and Special Education Teacher 2 should directly instruct the Student in all subjects, such instruction was not required by the Student's IEP.

Additionally, attendance records indicated the Student's out-of-school suspensions totaled ten nonconsecutive days between August 13, 2025 and May 21, 2026, which does meet the threshold for a disciplinary change of placement. However, IEP services are required to start on the 11th day of removal, which did not occur in this case. Therefore, the LEA was not required to provide services during these periods of disciplinary removal.

### Conclusion

Based on the foregoing, according to the IDEA and Kansas special education regulations, the *LEA was compliant* by providing required academic support and IEP accommodations when the Student's placement was changed.

## Issue Six

Whether USD #233, in accordance with state and federal regulations implementing the IDEA, provided PWN regarding the Student's change in placement. K.A.R. 91-40-26, K.S.A. 72-3430(b)(2); 34 C.F.R. § 300.503(a).

## Applicable Law

According to K.A.R. 91-40-26, in providing any notice to the parent or parents of an exceptional child regarding any action proposed or refused by an agency, each agency shall ensure that the notice includes the following information:

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 and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of a parent is not a written language, the agency shall take steps to ensure all of the following: the notice is translated orally or by other means to the parent in the parent's native language or other mode of communication; the parent understands the content of the notice; and there is written evidence that the requirements of paragraphs (1) and (2) of this subsection have been met.

Additionally, according to K.S.A. 72-3430(b)(2) and 34 C.F.R. § 300.503(a), the parents of exceptional children shall have the right to PWN whenever an agency proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or educational placement of the child or the provision of a FAPE.

The Parent alleged the LEA failed to provide PWN before issuing a law enforcement referral and changing the Student's placement.

The LEA stated the Parent signed consent on February 23, 2026, for a hybrid, evaluative placement. This placement consisted of a half day at the High School and a half day at the Transitional School for the Student.

## Analysis: Findings of Fact

Regarding the Student's referral to law enforcement, the LEA was not required to issue PWN regarding matters outside their jurisdiction. The LEA did issue PWN regarding the Student's evaluative change of placement, initially on February 18, 2026, and reissued an updated PWN on February 23, 2026. The February 23, 2026 PWN was signed by the Parent, giving consent for evaluation. The February 23, 2026 PWN included detailed descriptions of the discussion and decision surrounding the Student's change of placement for the purpose of evaluation. PWN contained all the elements required under the law.

The LEA was required to ensure the Parent fully understood the contents of PWN before consenting to any special education actions. In their interview, the Parent expressed difficulty with English, and indicated they relied on the IEP team to convey information to help them understand special education actions. The Parent also suggested they did not understand the contents of the February 18, 2026 PWN before signing it on February 23, 2026, and felt

pressured by both the LEA and the Student's outside medical providers to consent to the change of placement.

However, as evidenced within emails and other documents, including the PWN itself, the evaluative change of placement was discussed multiple times with the Parent, beginning on February 9, 2026, prior to the Student's referral to law enforcement. Both written documents and interview accounts indicate the Parent knew the Student would attend the Transitional School for evaluative reasons for the duration of the evaluation process, and that the Transitional School was a recommended placement option. While the Parent disagreed with a full-time placement at the Transitional School, the team reached a compromise by implementing the hybrid learning model as an evaluative placement. The Parent was involved in the decision making process, agreed to the placement, and provided consent via signature on PWN.

Additionally, the LEA offered interpretation services to the Parent for the IEP meetings scheduled for September 25, October 14, and November 18, 2025. The meeting on September 25, 2025 was cancelled, and the Parent did not use the interpreter's services during the October 14 or November 18, 2025 IEP meetings. The Parent declined future offers for interpretation services.

### Conclusion

Based on the foregoing, according to the IDEA and Kansas special education regulations, the *LEA was compliant* when PWN was issued regarding the Student's change in placement.

Issue Seven:

## Issue Seven

Whether USD #233, in accordance with state and federal regulations implementing the IDEA, provided the Parent with the appropriate procedural safeguards. K.S.A. 72-3430; 34 C.F.R. § 300.504.

### Applicable Law

According to K.S.A. 72-3430, the rights of parents of exceptional children shall include, but not be limited to, the rights specified in this section. The parents of exceptional children shall have the right to: examine all records relating to such child and to participate in meetings with respect to the identification, evaluation, and educational placement of the child, and the provision of a FAPE to such child, and to obtain an independent educational evaluation of the child; written prior notice whenever an agency proposes to initiate or change or refuses to initiate or change, the identification, evaluation, or educational placement of the child or the provision of a FAPE to the child; receive the notice required by provision in their native language, unless it clearly is not feasible to do so; present complaints with respect to any

matter relating to the identification, evaluation, or educational placement of the child, or the provision of a FAPE to the child; request mediation in accordance with this act; consent, or refuse to consent, to the evaluation, reevaluation or the initial placement of their child and to any substantial change in placement of, or a material change in services for, their child, unless a change in placement of their child is ordered pursuant to the provisions of the law or the agency can demonstrate that it has taken reasonable measures to obtain parental consent to a change in placement or services, and the child's parent has failed to respond. If the parent fails to respond to the request for parental consent to a substantial change in placement or a material change in services, the agency must maintain detailed records of written and verbal contacts with the parent and the response, if any, received from the parent. The parents of exceptional children shall have the right to be members of any group that makes decisions on the educational placement of their child; demand that their child remain in the child's current educational placement pending the outcome of a due process hearing, except as otherwise provided by federal law and this act.

According to 34 C.F.R. § 300.504, 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: upon initial referral or parent request for evaluation; upon receipt of the first State complaint; upon receipt of the first due process complaint in a school year; in accordance with the discipline procedures; and upon request by a parent. A public agency may place a current copy of the procedural safeguards notice on its Internet Web site if a Web site exists.

The Parent alleged the LEA failed to provide procedural safeguards notice.

The LEA stated procedural safeguards were provided to the Parent on six occasions throughout the 2025-26 school year.

## Analysis: Findings of Fact

The evidence corroborated the LEA sent the Parent a copy of procedural safeguards at the legally required times: with the ready, willing, and able letter sent October 8, 2025; with the request for consent for reevaluation on February 19, 2026; with the notice of meeting for the MDR on April 8, 2026; after the evaluation report meeting on April 27, 2026; with the Student's IEP on May 19, 2026; and with PWN acknowledging the Parent declined full time placement at the Transitional School on June 10, 2026. Additionally, the LEA provided consistent digital access to the procedural safeguards.

In the interview, the Parent indicated they acknowledged they received copies of the "parental rights."

### Conclusion

Based on the foregoing, according to the IDEA and Kansas special education regulations, the *LEA was compliant* when the Parent was provided with the appropriate procedural safeguards.

## Issue Eight

Whether USD #233, in accordance with state and federal regulations implementing the IDEA, appropriately reviewed and revised the IEP by conducting a FBA and developing a BIP to address the behavior needs of the Student. K.A.R. 91-40-16(a)(b)(1), K.A.R. 91-40-18(b), K.S.A. 72-3429(f)(2); 34 C.F.R. § 300.324(a)(2)(i)(b).

### Applicable Law

According to K.A.R. 91-40-16(a)(b)(1), each agency shall be responsible for initiating and conducting meetings to develop, review, and revise the IEP of each exceptional child served by the agency. Except as otherwise provided, each agency shall ensure that an IEP is in effect before special education and related services are provided to an exceptional child: an IEP is in effect before special education and related services are provided to an exceptional child; those services for which written consent has been granted as specified by law are implemented not later than 10 school days after parental consent is granted unless reasonable justification for a delay can be shown; an IEP is in effect for each exceptional child at the beginning of each school year; the child's IEP is accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation; each teacher and provider is informed of their individual specific responsibilities related to implementing the child's IEP and the specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.

According to K.A.R. 91-40-18(b) and 34 C.F.R. § 300.324(a)(2)(i), if, as a result of its consideration of the special factors, an IEP team determines that a child needs behavioral interventions and strategies, accommodations, assistive technology devices or services, or other program modifications for the child to receive FAPE, the IEP team shall include those items in the child's IEP. In the case of a child whose behavior impedes the child's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.

According to K.S.A. 72-3429(f)(2) and 34 C.F.R. § 300.324(b), each agency shall ensure that the IEP team revises the IEP, as appropriate, to address: any lack of expected progress toward the annual goals and in the general education curriculum, where appropriate; the results of any reevaluation conducted; information about the child provided by the parents; the child's anticipated needs; or other matters.

The Parent alleged the LEA failed to conduct a FPA and develop a BIP to address the Student's behavior prior to pressing "criminal charges."

The LEA stated the IEP Team, including the Parent, met eight times throughout the 2025-26 school year to discuss the Student's needs and update their IEP and BIP. An FBA was conducted as part of a reevaluation, for which the Parent gave consent on February 23, 2026.

### Analysis: Findings of Fact

The evidence supported sufficient effort was made by the LEA to review and revise the IEP and BIP to meet the Student's needs. Specifically during the September 22, 2025 incident, a new behavior of self-injury was identified, and the IEP and BIP were subsequently updated. The IEP and BIP were again updated after the February 10, 2026 incident.

While progress reporting indicated a decline in the Student's IEP goal achievement between January and March 2026, documentation suggested an increase in unsafe behavior by the Student in this same time period. Due to the Student's increased frequency of behavior incidents, a reevaluation was proposed on February 9, 2026, a change of placement was suggested on February 18, 2026, and the Parent signed consent for both on February 23, 2026. An FBA was conducted during the Student's reevaluation, and a report was issued on April 27, 2026.

### Conclusion

Based on the foregoing, according to the IDEA and Kansas special education regulations, the *LEA was compliant* by appropriately reviewing and revising the IEP, conducting a FBA, and developing a BIP to address the behavior needs of the Student.

## Issue Nine

Whether USD #233, in accordance with state and federal regulations implementing the IDEA, placed the Student in the LRE when they were placed in a "restrictive school." K.A.R. 91-40-21; 34 C.F.R. §§ 300.114(a)(2), 300.116.

### Applicable Law

According to K.A.R. 91-40-21, 34 C.F.R. § 300.114(a)(2) and 34 C.F. R. § 300.116, each agency shall ensure that the children with disabilities served by the agency are educated in the LRE and that a continuum of alternative educational placements is available to meet the needs of children with disabilities. These alternative educational placements shall meet the following criteria: include instruction in regular classes, special classes, and special schools; instruction in a child's home; and instruction in hospitals and other institutions; and make provision for supplementary services, including resource room and itinerant services, to be provided in conjunction with regular class placement. In determining the educational placement of a child with a disability, each agency shall ensure that the placement decision meets the following requirements: the decision shall be made by a group of persons, including the child's parent or parents and other persons who are knowledgeable about the child, the meaning of the

evaluation data, and the placement options. The decision shall be made in conformity with the requirement of providing services in the LRE.

Each agency shall give notice to the parents of any meeting to discuss the educational placement of their child. If a parent cannot participate in person at a meeting relating to the educational placement of the child, the agency shall offer to use other methods to allow the parent to participate, including conference calls and video conferencing. An agency may conduct a meeting to determine the appropriate educational placement of a child with a disability without participation of a parent if the agency, despite repeated attempts, has been unable to contact the parent or to convince the parent to participate. If an agency conducts a meeting to determine the appropriate educational placement of a child without the participation of a parent, the agency shall have a record of the attempts that the agency made to contact the parent. An agency shall take action to ensure that parents understand, and are able to participate in, any discussions concerning the educational placement of their children.

Each agency shall ensure that each exceptional child's placement meets the following criteria: is determined at least annually; is based on the child's IEP; and for a child with a disability, is as close as possible to the child's home. Unless the IEP of a child with a disability requires some other arrangement, the agency shall ensure that the child is educated in the school that the child would attend if nondisabled. In selecting the LRE for a child with a disability, the persons making the educational placement decision shall give consideration to any potential harmful effect on the child or on the quality of services that the child needs. An agency shall not remove a child with a disability from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

In providing, or arranging for the provision of, nonacademic and extracurricular services and activities, including meals, recess periods, and other nonacademic services and activities, each agency shall ensure that each child with a disability participates with nondisabled children in those services and activities to the maximum extent appropriate to the needs of that child. Each agency shall ensure that each child with a disability receives the supplementary aids and services specified in the child's IEP as being appropriate and necessary for the child to participate in nonacademic settings. If it is determined that the placement in a specialized public or private school or facility is necessary to provide FAPE to a child with a disability in accordance with the child's IEP, the agency shall provide for the placement, including nonmedical care and room and board, at no cost to the parent or parents of the child.

Each agency that operates any separate facility for the education of children with disabilities shall ensure that the facility meets the following requirements: Each facility shall be comparable to those operated for nonexceptional children. Each facility shall be appropriate to the chronological ages of the students and the instructional program being provided.

According to 34 C.F.R. § 300.114(a)(2), each public agency must ensure that, to the maximum extent appropriate, children with disabilities, including children in public or private institutions

or other care facilities, are educated with children who are nondisabled; and Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

The Parent alleged the School removed the Student from their placement and "placed [the Student] at a very restrictive school, effective March 3, 2026."

The LEA maintained the Student was not placed in a "restrictive school," but rather an evaluative placement, to which the Parent agreed.

### Analysis: Findings of Fact

The Student's hybrid placement between the High School and the Transitional School was the result of discussion by the IEP team, that included the Parent, over multiple meetings and emails. PWN confirmed the Parent consented to the placement, and Special Education Teacher 1's interview suggested the Parent and the Student toured the Transitional School.

During the discussion regarding placement change, the LEA considered maintaining the Student's placement solely at the High School. However, this option was rejected due to safety concerns. Even though prevention strategies and interventions were applied consistently, the Student continued to display escalated behaviors. While the Parent disagreed with a full-time placement at the Transitional School, the evidence indicated the Student's outside medical providers agreed it was the best option. Therefore, the IEP team implemented the hybrid learning model.

Described as "evaluative," the hybrid placement still granted the Student access to their nondisabled peers, as well as academic support in both the general and special education settings. The Transitional School was identified as an acceptable alternative based on the Student's behavior needs. Data indicated the Student's overall performance at the Transitional School was positive compared to the High School.

### Conclusion

Based on the foregoing, according to the IDEA and Kansas special education regulations, the *LEA was compliant* with LRE requirements during the evaluative placement.

## Issue Ten

Whether USD #233, in accordance with state and federal regulations implementing the IDEA, provided the Student with a FAPE. K.A.R. 91-40-2(a)(b)(1)(d-g), K.A.R. 91-40-1(z); 34 C.F.R. §§ 300.101, 300.17.

## Applicable Law

According to 91-40-2(a)(b)(1)(d-g), each agency shall provide a FAPE to any child with a disability residing in its jurisdiction beginning not later than the child's third birthday 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. An agency shall not be required to provide a FAPE to a student aged 18 through 21 who meets the following criteria: is incarcerated in an adult correctional facility; and in the student's last educational placement before incarceration, was not identified as a child with a disability and did not have an IEP.

Additionally, 34 C.F.R. § 300.101 states that a FAPE must be available to all children residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school.

According to K.A.R. 91-40-1(z) and 34 CFR § 300.17, free appropriate public education and "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 Parent alleged the LEA's failure to implement the Student's IEP, specifically in regards to allowing breaks, constituted a denial of a FAPE.

The LEA maintained they provided a FAPE to the Student.

## Analysis: Findings of Fact

The Student's IEP focused on behavior over academics due to the impediment the Student's behavior had on their academic performance. Consequently, their behavior was consistently monitored and discussed throughout the 2025-26 school year. The BIP was updated on multiple occasions to address new and increasing behaviors, and a reevaluation was proposed to address behavior concerns. Reevaluation data and staff interviews indicated targeted behaviors most frequently occurred in the special education setting when transitioning into the general education setting or a nonpreferred task. In contrast, the Student made sufficient academic progress, specifically while dually enrolled in the Transitional School.

Regarding breaks, documentation of the two behavior incidents specified in the Complaint indicated the Student was offered a calming space and a walk during the September 22, 2025 incident, and had just finished a break, as described in their IEP, prior to the February 10, 2026

incident. The evidence suggested the services and accommodations enumerated in the IEP were provided throughout the school year across locations.

### Conclusion

Based on the foregoing, according to the IDEA and Kansas special education regulations, the *LEA was compliant* when providing the Student with a FAPE.

## Summary of Conclusions and Corrective Action

Issue One: This investigation found no violations and there is no corrective action.

Issue Two: This investigation found no violations and there is no corrective action.

Issue Three: This investigation found no violations and there is no corrective action.

Issue Four: This investigation found no violations and there is no corrective action.

Issue Five: This investigation found no violations and there is no corrective action.

Issue Six: This investigation found no violations and there is no corrective action.

Issue Seven: This investigation found no violations and there is no corrective action.

Issue Eight: This investigation found no violations and there is no corrective action.

Issue Nine: This investigation found no violations and there is no corrective action.

Issue Ten: This investigation found no violations and there is no corrective action.

Tania Tong
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)