KANSAS STATE DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND TITLE SERVICES

REPORT OF COMPLAINT
FILED AGAINST
UNIFIED SCHOOL DISTRICT #458
ON AUGUST 25, 2026

DATE OF REPORT: SEPTEMBER 24, 2026

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

When a special education complaint is filed against a school district that is a member of a special education cooperative or interlocal, or that uses any other state recognized public agency to serve children with disabilities, the term "local education agency (LEA)" will be used. In this case, the complaint is against USD #458 (Basehor-Linwood Public Schools) who contracts with the Tonganoxie Basehor-Linwood Special Education Cooperative (TBLSEC) to provide their special education services. For the remainder of this report, both of these responsible public agencies will be referred to as "the LEA".

Investigation of Complaint

K.A.R. § 91-40-5(c)(5) requires that the complaint investigation include "[a] discussion with the complainant during which additional information may be gathered and specific allegations of noncompliance identified, verified, and recorded." The Complaint Investigator, Nancy Thomas, held this discussion with the Parent via phone on 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 Complainant via Egnyte on September 2, 2026. The Complainant did not dispute how the Complaint Investigator framed the issues to be investigated. The Complainant also provided documentation for the Complaint Investigator to consider as part of the investigation and the Complainant and Complaint Investigator exchanged several emails.

On September 14, 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. Multiple emails were exchanged between the LEA and Complaint Investigator to resolve questions and provide clarification.

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

Documents

- The Formal Complaint signed by the Parent on August 24, 2026

- LEA Response to the Complaint dated September 14, 2026
- IEP Team Meeting Notes dated August 11, 2026
- Prior Written Notice dated August 12, 2026 for Identification, Initial Services, Placement, Change in Services, Change of Placement, and Request for Consent which was signed by the Parent on August 18, 2026
- Individualized Education Program (IEP) dated February 2, 2026 and amended on August 18, 2026
- IEP Team Meeting Notes dated May 18, 2026 with the Parent and school staff from both Gray Hawk Elementary School and Basehor-Linwood Middle School
- Student's Health History in the LEA's student information system
- Children's Mercy Clinic Documentation dated June 30, 2025 noting allergies to Ibuprofen, Peanuts, Tree Nuts, and Penicillin
- Special Education Teacher's Weekly Schedule for the 2025-26 school year
- Deaf / Hard-of-Hearing (DHH) Teacher's Weekly Schedule for the 2025-26 school year
- Family Educational Rights and Privacy Act (FERPA) Annual Notice for the LEA
- FERPA Notice and Opt-Out Form for the Student
- Screenshot of the Gray Hawk Elementary School online parent newsletter
- Assignment grade sheets for fifth grade academic classes (science, social studies, math, and English language arts)

Emails

- Email dated April 21, 2026 at 2:52 PM written by the Gray Hawk Elementary School Counselor to all teachers in the building
- Email dated May 22, 2026 at 5:52 PM written by the Business Manager / Board Clerk
- Email exchange dated August 13 at 12:19 PM and 7:09 PM; and August 14, 2026 at 7:23 AM between the Parent and the Director of Special Education
- Email dated August 27, 2023 at 7:03 AM written by the Parent to the Special Education Director
- Email exchange dated September 20 at 3:10, 3:14, and 3:19 PM; and September 22, 2026 at 9:36 AM written between the Complaint Investigator and the Parent
- Email dated September 23, 2026 at 9:21 AM written by the Director of Special Education and the Complaint Investigator

Interviews

- Phone interview on September 1, 2026 with the Parent
- Phone Interview on September 4, 9, and 14, 2026 with the Director of Special Education at TBLSEC

Kansas regulations require that a complaint "allege a violation that occurred not more than one year before the date the complaint is received . . . ." K.A.R. § 91-40-51(b)(1). Therefore, the

Complaint Investigator did not consider any information either party submitted dated prior to August 25, 2025.

Background Information

The Student is 11 years old and enrolled in the sixth grade at Basehor-Linwood Middle School in USD #458 for the 2026-27 school year. She has been enrolled in this LEA since the beginning of the 2025-26 school year and previously received special education services in another Kansas school district. The Student has multiple medical diagnoses including a half mutation rare genetic disorder called RYR1 and an Auditory Processing Disorder. In addition, she has a rescue inhaler at school due to difficulty with lung capacity and may also have Ehlers-Danlos Syndrome (EDS).

The most recent special education reevaluation of the Student was conducted on February 26, 2026 with additional assessment. At that time, the multidisciplinary team determined that the Student met the eligibility criteria for the exceptionality of a specific learning disability in basic reading, math calculation, math problem solving, and written expression and also needed the related services of a teacher for students who are deaf/hard-of-hearing to address the auditory processing deficits.

The Student's most recent IEP was developed on February 26, 2026 and amended on August 11, 2026. This IEP includes goals for spelling, reading comprehension, math computation, math application, self-advocacy, and written expression.

Beginning in the 2026-27 school year at the Basehor-Linwood Middle School, the IEP requires specialized instruction in the special education setting for 215 minutes per week for reading with 1-1 paraprofessional support; 215 minutes per week for math with 1-1 paraprofessional support; and 20 minutes per week for self-advocacy. The IEP also requires specialized instruction in the general education setting for 430 minutes per week for science and social studies with 1-1 paraprofessional support; 215 minutes per week for co-taught English language arts with 1-1 paraprofessional support; 215 minutes per week for co-taught reading with 1-1 paraprofessional support; and 20 minutes per week for self-advocacy. In addition, the IEP requires 10 minutes of teacher consultation with the Deaf/Hard-of-Hearing (DHH) Teacher for one day every four weeks.

The IEP also requires assistive technology, specifically, "access to the read and write extension, as well as a classroom sound system to help mitigate the impact of background noise and distance." The student is eligible to participate in the state-wide grade-level assessment program.

Investigation

The Parent alleged four issues based upon the written complaint and the Complaint Investigator's discussion with the Complainant. Therefore, this this investigation will focus on the following issues:

Issue One:

Did USD #458 follow federal regulations addressed by IDEA when implementing the Student's food allergy plan in the cafeteria on August 22 and 24, 2026?

Issue Two:

Did USD #458 follow federal regulations addressed by IDEA when limiting the IEP meeting on August 11, 2026 to only 45 minutes?

Issue Three:

Did USD #458 follow federal regulations addressed by the IDEA when the Student was provided more special education services than was required by the student's IEP during the second semester of the 2025-26 school year?

Issue Four:

Did USD #458 release the Student's personally identifiable information without obtaining written parent consent in May 2026?*

*The Parent also made a systemic allegation regarding PII being released without prior parent consent and provided documentation that was sent to another parent in the LEA as evidence. It should be noted that the systemic allegation is currently being investigated as 27FC458-005 and will not be addressed in this Investigation Report.

Issue One

Did USD #458 follow federal regulations addressed by IDEA when implementing the Student's food allergy plan in the cafeteria on August 22 and 24, 2026?

Applicable Law

Federal regulations at 34 C.F.R. §300.320(a)(4) require the IEP to include a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child to advance appropriately toward attaining the annual goals; to be involved in and make progress in the general education curriculum, and to participate in extracurricular and other nonacademic activities; and to be educated and participate with other children with disabilities and nondisabled children in the activities.

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

Analysis: Findings of Fact

1. The Parent believes that the LEA does not have staff at the Basehor-Linwood Middle School who understand the Student's peanut / tree nut allergies. In addition, the Parent believes Basehor-Linwood Middle School does not have procedures in place to enforce the required accommodations to keep the student safe during the lunch period.
2. The Children's Mercy Clinic Documentation for the Respiratory Clinic dated June 30, 2025 notes that the Student has allergies to peanuts and tree nuts as well as Auditory Processing Disorder.
3. The Student's Health History in the LEA's student information system notes allergies to peanuts and tree nuts as well as Auditory Processing Disorder. It also notes that an epi-pen and inhaler are located in the Nurse's office in case of an emergency.
4. The Parent reported an incident to the Sixth-Grade Principal on August 22, 2026 where another student sat at the peanut/tree-nut-free table at lunch and ate peanut crackers in the Student's presence.
5. The Parent stated, "On August 24, the school nurse called the Parent to verify whether hazelnut, including Nutella, was a tree nut. The Parent was told that the [other] student would be removed from the designated allergy-safe table." However, the Student reported to the Parent that the student was not removed and remained at the table.
6. During an interview, the Director of Special Education acknowledged that another student had mistakenly sat at the peanut/tree nut free table with the Student during the lunch shift at the beginning of the 2026-27 school year. However, the Middle School Principal has addressed and resolved this situation.
7. The IEP developed on February 26, 2026 and amended on August 11, 2026 was in effect starting on August 13, 2026 for the 2026-27 school year.
8. The Health section in the Present Level of Academic Achievement and Functional Performance (PLAAFP) of the current IEP notes and describes how the Auditory Processing Disorder impacts the student's education.
9. The Parent Concerns section in the PLAAFP notes that the Student does not speak up for herself and does not want to wear a hearing aid or other ear devices that block out background noise. In addition, lung function can impact classroom performance and the PLAAFP documents that the Student has a spot in the classroom and a blanket to help keep her warm when this situation occurs.
10. The Director of Special Education reported and a review of documentation confirmed that there is no mention of the Student's peanut and tree nut allergies in the current IEP or any of the IEP Team Meeting Notes.

11. The Director of Special Education stated that the LEA did not believe that the Student's peanut and tree nut allergy had any impact on the student's educational programming at this time.

Conclusion

In this case, there is evidence to support that the Student does have a peanut and tree nut allergy and that the LEA was aware of those allergies at the beginning of the 2026-27 school year. It is noted that the LEA acknowledged that a situation occurred at the beginning of the 2026-27 school year when another student sat at the peanut / tree nut free table and ate a product containing peanut butter in the Student's presence which could have resulted in negative health consequences for the Student.

However, the Student's current IEP, which was in effect at the beginning of the 2026-27 on August 22 and 24, 2026, does not include any mention of the peanut and tree nut allergy. It is noted that this IEP does describe how the Student's other diagnosed health issues, including the Auditory Processing Disorder and the concerns with lung functioning, impact the student's education and the IEP requires services and accommodations to address these health conditions.

Based on the foregoing, the *LEA did not violate state and federal regulations* implementing the Individuals with Disabilities Education Act (IDEA) on August 22 and 24, 2026 when an incident occurred in the Basehor-Linwood Middle School lunchroom at the peanut / tree-nut-free table involving the Student. Therefore, the LEA is found to be in compliance.

Issue Two

Did USD #458 follow federal regulations addressed by IDEA when limiting the IEP meeting on August 11, 2026 to only 45 minutes?

Please note that this issue was found to be in the process of being investigated as part of 27FC458-002. As such, it will not be addressed in this Investigation Report.

Issue Three

Did USD #458 follow federal regulations addressed by the IDEA when the Student was provided more special education services than was required by the student's IEP during the second semester of the 2025-26 school year?

Applicable Law

Federal regulations at 34 C.F.R. §300.320(a)(4) require the IEP to include a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child to advance appropriately toward attaining the annual goals; to

be involved in and make progress in the general education curriculum, and to participate in extracurricular and other nonacademic activities; and to be educated and participate with other children with disabilities and nondisabled children in the activities.

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

Analysis: Findings of Fact

1. During the 2025-26 school year at the Gray Hawk Elementary School, the Student's IEP required the following special education services in the fifth grade:
    a. Specialized instruction for written expression in the special education setting for 150 minutes per week (mpw)
    b. Specialized instruction for reading in the special education setting for 225 mpw from the Special Education Teacher
    c. Specialized instruction for math in the special education setting for 300 mpw
    d. Specialized instruction for advocacy in the special education setting for 20 mpw
    e. Specialized instruction for advocacy in the general education setting for 20 mpw
2. The Special Education Teacher's weekly schedule for the 2025-26 school year shows the Student received the following special education services in the special education classroom:
    a. Specialized instruction for written expression
        i. 2:10 - 2:40 PM on Monday through Fridays (150 mpw) from the Special Education Teacher
    b. Specialized instruction for reading
        i. 9:30 - 10:15 AM on Monday through Fridays (225 minutes per week) from the Special Education Teacher
    c. Specialized instruction for math
        i. 9:00 - 9:30 AM and 12:40 - 1:10 PM on Mondays (60 minutes per week) from the Special Education Teacher
        ii. 10:45 - 11:15 AM on Tuesday through Fridays (120 minutes per week) from the Special Education Teacher
        iii. 11:30 AM - 12:00 noon on Tuesday through Fridays (120 minutes per week from a paraprofessional
            1. During an interview, the Special Education Director indicated that the paraprofessional provided guided practice to reinforce math concepts initially taught by the

Special Education Teacher following lesson plans developed by the Special Education Teacher

3. The DHH Teacher's weekly schedule for the 2025-26 school year shows the Student received the following special education services:
    a. Specialized instruction for self-advocacy
        i. 9:00 - 9:20 AM on Tuesdays (20 mpw) in the special education setting from the DHH Teacher
        ii. 10:00 - 10:20 AM on Tuesdays (20 mpw) in the general education setting from the DHH Teacher
4. The February 26, 2026 IEP includes the following accommodations and modifications in the general education setting:
    a. Classroom assignments and/or tests that are above [the Student's] independent reading level will be read to her by either an adult reader, or text to speech technology
    b. Classroom assignments will be modified to complete up to half as much as her peers
    c. Extended time on assignments and assessments
    d. [The Student] will be provided a separate, quiet or small group setting where attention to task is closely monitored and frequent breaks are given
    e. [The Student] will be provided breaks during whole group instruction, independent work time, or small group work time when the noise level is overwhelming
5. Assignment grade sheets for fifth grade science and social studies classes show assignments were graded during the second semester; fifth grade English language arts (ELA) assignments were graded until the end of the third quarter when concepts taught included compare/contrast themes in multiple genres; figurative language and nuances; and clear and coherent writing in which the development and organization are appropriate to task, purpose, and audience. Fifth grade math assignments were not graded during second semester because the concepts taught (muliply/divide unlike fractions, algebra for solving for x / y, and geometry for volume) were above the Student's current skill level.
6. The fifth grade teachers reported the Student participated in teacher-led whole group instruction for ELA and Math in the general education classroom. The Student was pulled out of the classroom for her special education services during independent practice. In the special education classroom, the Student worked on math, reading, and writing skills based on her IEP goals and was not required to complete independent practice work assigned by the general education teacher during the second semester. During the first semester, the teachers gave the Student common assessments in order to gather data points to determine skill level/gaps in learning. She did not participate in general

education common assessments if they were above her skill level during the second semester.

7. The Parent reported that she first learned that the Student was receiving the 1-1 instruction in the special education setting and the paraprofessional providing additional pull-out time in the special education setting during the May 18, 2026 IEP Team meeting to discuss the plan for transitioning the Student to the Basehor-Linwood Middle School. She believed that the math and English language arts Grade Assignment Sheets were proof the Student was being pulled for additional time in the special education setting.
8. The Parent believed these 1-1 services being provided to the Student were additional special education services to those required by the IEP and should be continued when the student moved to sixth grade at Basehor Middle School for the 2026-27 school year. The Parent stated, *"We were not told about the excess minutes until May 18th by the statements made by her Gen Ed teacher and [when] her special education teacher shared she was being pulled*."
9. The May 18, 2026 IEP Team Meeting Notes written by the Assistant Director of Special Education stated, "*[The Parent] and [Advocate] requested a 1:1 paraprofessional for middle school. The team reviewed current services. Currently she [the Student] receives reading instruction in the special education setting in a 1:1 format. She currently receives her math and written expression services in a group of 2 in the special education setting. [The Student] does not currently receive para support in general education or specials classroom. Assignments given in the general education classroom are not graded when she is pulled out of the classroom for special education services in the special education setting. [The Parent] and [Advocate] shared they believe 1:1support would assist with transition and could be faded over time . . . [The Parent] and [Advocate] requested an August meeting prior to the start of school and asked that determinations be made regarding the 1:1 paraprofessional request and IEE [Independent Educational Evaluation] prior to that meeting*."
10. The IEP Team met again on August 11, 2026 and a determination was made to amend the February 26, 2026 IEP to include 1-1 paraprofessional support throughout the Student's school day beginning on August 13, 2026 for the 2026-27 school year.
11. In the August 13, 2026 email at 12:19 PM, the Parent reported that the IEP Team Meeting Notes "*did not accurately reflect the intensive level of support [the Student] had actually been receiving, including individualized/1:1 assistance. The May 18 discussion also included [the Student] being pulled for additional support, assignments being modified to her current educational level, and fifth-grade assignments being designated "NA*."
12. In the August 14, 2026 email at 7:23 AM, the Parent reiterated that "*the information discussed regarding [the Student's] actual educational program included individualized/1:1 instruction, pull-out services, modifications of work to her*

instructional level, and general-education assignments that were not graded when she was pulled for special-education services."

13. The PWN dated August 12, 2026 requesting consent for this material change in special education services was signed by the Parent on August 18, 2026.

Conclusion

In this case, the weekly schedules for both the Special Education Teacher and the DHH Teacher document that the special education services were scheduled as required by the Student's February 26, 2026 IEP. The documentation shows that the Student received specialized instruction for a total of 150 mpw for written expression, 225 mpw for reading, 300 mpw for math, and 20 mpw for self-advocacy in the special education setting and that no additional time was spent in the special education setting during the third and fourth quarters of the 2025-26 school year.

The May 18, 2026 IEP Team Meeting Notes show the special education staff reporting that the Student received the specialized instruction for academics primarily through 1-1 individualized or 2-1 small group instruction. This delivery model was determined by the Special Education Teacher as the best way to provide instruction in order for the Student to make progress towards achieving the IEP goals. The Special Education Teacher then designed lessons for teaching the concepts / skills in the areas of written expression, reading, and math to enable the Student to make progress toward achieving the IEP goals. The Special Education Teacher provided all instruction for the areas of written expression and reading. The Special Education Teacher provided all initial instruction for math concepts and skills with a paraprofessional providing 120 mpw of math guided practice and activities to reinforce concept acquisition.

The Kansas State Department of Education (KSDE) published guidance regarding the use of paraprofessionals, also known as paraeducators, in public agencies in The Kansas Special Education Reimbursement Guide for the 2025-26 school year. The "Paraeducator Duties" section states, "*Paraeducators provide instructional or related services under the supervision of licensed or certified special education professionals in an accredited or approved special education program" and lists examples of allowable activities including "Instructional support under the supervision of a professional*". Examples of activities not allowed include "*Responsible for selecting, programming, or prescribing educational activities or materials for the students without the supervision and guidance of the special teacher*" and "*Solely responsible for preparing lesson plans or initiating original concept instruction*".

Based on the foregoing, the LEA did not provide more special education services than were required by the Student's IEP during the second semester of the 2025-26 school year and, as such, did not violate state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA). Additionally, the Parent's concerns regarding the 1-1 instruction provided to the Student was specifically designed by the Special Education Teacher and implemented

for 120 mpw by a paraprofessional following KSDE guidance described in the The Kansas Special Education Reimbursement Guide. Therefore, the *LEA is found to be in compliance*.

Issue Four

Did USD #458 release the Student's personally identifiable information without obtaining written parent consent in May 2026?

Applicable Law

Federal regulations at 34 C.F.R. §300.32 define "personally identifiable" as information that contains 1) the name of the child, the child's parent, or other family member; 2) the address of the child; 3) a personal identifier, such as the child's social security number or student number; or 4) a list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

Federal regulations at 34 C.F.R. §300.622(a) require public agencies to obtain parent consent before personally identifiable information (PII) is disclosed to other parties except for certain participating-agency officials or when the information is contained in education records and federal regulations at 34 C.F.R. part 99, also known as the family education rights and privacy act (FERPA), authorizes disclosure without consent.

Federal regulations at Under 34 C.F.R. § 99.37(a), allows an educational agency or institution to designate certain personally identifiable information as directory information and disclose it without consent if it gives public notice to parents of 1) the types of PII the district has designated as directory information; 2) the parent's right to refuse to allow any or all of those types of information to be designated as directory information; and 3) the period of time during which the parent can notify the district in writing that they do not want the information designated as directory information.

Analysis: Findings of Fact

1. The Student was enrolled in the fifth grade at Gray Hawk Elementary School at the beginning of the 2025-26 school year.
2. On April 21, 2026 at 2:52 PM, the Gray Hawk Elementary School Counselor sent an email to all of the teachers in the school building requesting nominees for the Characterstrong Trait Awards for the months of March, April, and May. The email included a listing of all of the students who had received one of the awards during the 2025-26 school year. The email identified the name of the Student, the name of her fifth grade classroom teacher who had nominated her, and the Characterstrong trait the Student embodied.
3. The Parent provided documentation which showed the April 21, 2026 email was released to the parent of another Gray Hawk Elementary School student without obtaining prior consent for the release of the information in regard to the Student on May 22, 2026 by the Business Manager / Board Clerk.

4. The LEA's Family Educational Rights and Privacy Act (FERPA) Annual Notice states, "*For purposes of FERPA, USD 458 has designated certain information as "directory information," which may be disclosed for any purpose without prior consent. The primary purpose of this designation is for district use of the information in school publications, such as newsletters, drama playbills, recognition listings, graduation programs, sports team rosters and yearbooks. USD 458 considers the following "directory information:" student name, address, telephone number, parent email address, date and place of birth, participation in officially recognized activities and sports, weight and height of members of teams, dates of attendance, honors received, the most recent previous school attended, class designation and photographs*."
5. The FERPA Annual Notice states that parents must complete an Opt-Out Form upon enrollment if they object to the release of "*directory information.*" The Student's FERPA Annual Notice and Opt-out Form shows the Student's Parent agreed to allow "*directory information*" to be released without prior parent consent.
6. During an interview with the Director of Special Education and the Assistant Director of Special Education, the Characterstrong Trait Award was described as a monthly general education activity sponsored through the school counseling department to recognize specific character traits that were highlighted each month. The character traits included respect (September), responsibility (October), gratitude (November), empathy (December), Perseverance (January), honesty (February), cooperation (March), courage (April), and creativity (May). It was noted that the Characterstrong Trait Awards were shared through The Community Nest, theGray Hawk Elementary School Parent Newsletter, throughout the school year.

Conclusion

In this case, there is evidence to support that the LEA released the Student's name to another parent in USD #458 through an email dated April 21, 2026 without obtaining prior consent from the Parent. However, the purpose of the April 21, 2026 email, which contained the Student's name, was related to a student recognition award through the Characterstrong Trait program sponsored through the school counseling department at Gray Hawk Elementary School.

Documentation shows the LEA identified "directory information" to specifically include a student's name for release without parent consent for the purpose of "recognition listings" through the Annual FERPA Notice and that the Parent did not Opt-Out but, instead, answered "yes" to allowing the release of the Student's PII as designated by the LEA. Documentation shows the April 21, 2026 email which was released to the parent of another Gray Hawk Elementary School parent was a listing of all students who had received a Characterstrong Trait Award during the 2025-26 school year. It is also noted that the PII of the recipients of the Characterstrong Trait Awards at Gray Hawk Elementary School was shared via parent newsletters, which is another designated purpose for the release of "*directory information*."

Based on the foregoing, the LEA did not violate state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA) when it released the Student's personally identifiable information without obtaining written parent consent during the 2025-26 school year. Therefore, the *LEA is found to be in compliance*.

Summary of Conclusions and Corrective Action

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

Issue Two
This issue was investigated as part of 27FC458-002 and was not addressed in this Investigation Report.

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.

Nancy Thomas

Nancy Thomas, IDEA Complaint Investigator

Destruction of Records

In compliance with federal regulations, at 34 C.F.R. 300.624, notice is provided to both parties that, within 60 days of the date of a final decision, any personally identifiable information of any student obtained by the investigator in this investigation will be considered no longer needed to provide educational services to any such student and may be destroyed by the investigator. Any personally identifiable information regarding this complaint held by the Kansas State Department of Education will be deemed no longer needed to provide educational services to the above-named student six years after the date of the final decision and may be destroyed by the department at that time. After expiration of these timelines, a parent may request destruction of the information obtained in this complaint. If such a request is made, the information will be destroyed.

Right to Appeal

Either party may appeal the findings or conclusions in this report by filing a written notice of appeal with the State Commissioner of Education, ATTN: Special Education and Title Services, Landon State Office Building, 900 SW Jackson Street, Suite 620, Topeka, KS 66612-1212. The notice of appeal may also be filed by email to formalcomplaints@ksde.gov The notice of appeal must be delivered within 10 calendar days from the date of this report.

For further description of the appeals process, see Kansas Administrative Regulations 91-40-51(f).

K.A.R. 91-40-51(f) Appeals.

(1) Any agency or complainant may appeal any of the findings or conclusions of a compliance report prepared by the special education section of the department by filing a written notice of appeal with the state commissioner of education. Each notice shall be filed within 10 days from the date of the report. Each notice shall provide a detailed statement of the basis for alleging that the report is incorrect.

Upon receiving an appeal, an appeal committee of at least three department of education members shall be appointed by the commissioner to review the report and to consider the information provided by the local education agency, the complainant, or others. The appeal process, including any hearing conducted by the appeal committee, shall be completed within 15 days from the date of receipt of the notice of appeal, and a decision shall be rendered within five days after the appeal process is completed unless the appeal committee determines that exceptional circumstances exist with respect to the particular complaint. In this event, the decision shall be rendered as soon as possible by the appeal committee.

(2) If an appeal committee affirms a compliance report that requires corrective action by an agency, that agency shall initiate the required corrective action immediately. If, after five days, no required corrective action has been initiated, the agency shall be notified of the action that will be taken to assure compliance as determined by the department. This action may include any of the following:

(A) The issuance of an accreditation deficiency advisement;
(B) the withholding of state or federal funds otherwise available to the agency;
(C) the award of monetary reimbursement to the complainant; or
(D) any combination of the actions specified in paragraph (f)(2)