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: OCTOBER 13, 2026

This report is in response to a complaint filed with our office, on behalf of IDEA-eligible students enrolled in USD #458 by -------, a parent with IDEA-eligible students enrolled in three building in USD #458. For the remainder of this report, ------- will be referred to as "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, -------, 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 referenced child complaint investigations -------, -------, -------, -------, -------, and ------- as documentation of the systemic nature of the concerns. The investigation findings were provided as documentation for the Complaint Investigator to consider as part of the investigation.

On September 10, 21, 25, 28, and 29, 2026, the LEA provided the Complaint Investigator with a response to each of the issues the Complaint Investigator identified as well as the documentation and data the Complaint Investigator requested. Instead of an interview, the LEA and Complaint Investigator exchanged multiple emails to resolve questions and provide clarification.

In completing this investigation, the Complaint Investigator reviewed all documentation provided by both parties. The following information was used as the basis for the findings in this investigation:

Documents

- The Formal Complaint signed by the Parent on August 24, 2026
- LEA Response to the Complaint dated September 2, 10, and 29, 2026
- Complaint Report -------
- Complaint Report -------
- Complaint Report -------
- Complaint Report -------
- Complaint Report -------
- Complaint Report -------
- Excusal from Attendance at IEP Meetings of Required Team Members forms in the 10 student files submitted for Issue Three
- Notice of Meeting forms in the 10 student files submitted for Issue Three
- Written documentation of information shared by excused IEP Team members submitted in the 10 student files for Issue Three
- Notice of Meeting forms in the 10 student files submitted for Issue Four
- Meeting Notes forms in the 10 student files submitted for Issue Four
- Prior Written Notice (PWN) for Identification, Initial Services, Placement, Change in Services, Change of Placement, and Request for Consent in the 10 student files submitted for Issue Four
- IEPs for the 10 student files submitted for Issue Five
- Contact Logs, Service Logs, OT Documentation Records, emails, Meeting Agendas, and Meeting Notes submitted in the 10 student files submitted for Issue Five
- August 2010 Parent Rights in Special Education (Procedural Safeguards)
- February 2020 Parent Rights in Special Education (Procedural Safeguards)
- Parent Rights in Special Education (Procedural Safeguards) forms for the 10 student files submitted for Issue Six.
- USD #458 School Board Policies
- 2025-26 TBLSEC Procedure and Best Practice Guide
- 2026-27 TBLSEC Procedure and Best Practice Guide

Emails

- Emails between the Special Education Director and all TBLSEC staff dated between August 5, 2025 and August 21, 2026 regarding Issue Seven
- Email written by the KSDE Education Program Specialist to the Complainant on October 2, 2026 regarding the acceptance of the LEA's proposal to resolve Issue Two

- Email exchange between the Complaint Investigator and the Special Education Director dated October 5 through 7, 2026 regarding Issue Four
- Email exchange between the Complaint Investigator and the Special Education Director dated October 7 and 8, 2026 regarding Issue Three
- Email exchange between the Complaint Investigator and the Special Education Director on October 12, 2026 regarding Issue Five

Interviews

- Phone interview on September 1, 2026 with the Complainant
- Phone interview on September 9, 2026 with the Assistant Director of Special Education at KSDE
- Interview with the Special Education Coaches and the Behavior Coach on September 29 and 30, 2026

Onsite Classroom Observations and Teacher Interviews

- September 29, 2026 at Basehor Intermediate School, Basehor-Linwood Middle School, and Basehor-Linwood High School
- September 30, 2026 at Gray Hawk Elementary School, Linwood Elementary School, and Basehor-Linwood High School

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 Complainant has three IDEA-eligible students in two different school buildings in the LEA. The Complainant has filed four individual child complaints involving nine allegations of noncompliance with IDEA for these three students during the 2025-26 and the 2026-27 school years. Of these complaints, three allegations of noncompliance were substantiated, one allegation was resolved through the LEA's proposal for corrective action, and five allegations were found to be in compliance with federal and state regulations. The Complainant believes that, based on the experiences of her three students, a pattern of noncompliance exists within the entire LEA.

The LEA is serving 565 students with exceptionalities during the 2026-27 school year. The LEA employs 41 special education teachers and 56 paraprofessionals in eight school buildings to provide special education services to these students. Based on full-time equivalent positions, the LEA employs 6 speech/language pathologists (SLPs), 2.5 occupational therapists (OTs), 0.5 physical therapist (PT), 5 school psychologists, 1 board certified behavioral analyst (BCBAs), 8 school nurses, 1.5 transition specialists, 0.5 adaptive physical education teacher, and 5 social

workers to provide related services to these students. In addition, the LEA employs 1.5 special education coaches and 0.5 behavior coaches to support the school staff in the LEA along with 1 special education director and 1 special education assistant director.

Investigation

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

Issue One:

Does USD #458 implement the IEPs of IDEA-eligible students, specifically the IEP services, accommodations, and disability-related health and safety supports?

Issue Two:

Does USD #458 provide parent-requested educational records following IDEA and Kansas regulations without unnecessary delay and, in no case, more than 45-days from the date of the request?

Issue Three:

Does USD #458 follow appropriate procedures when excusing a member of the IEP Team from an IEP Team meeting?

Issue Four:

Does USD #458 provide accurate prior written notice (PWN) to parents as described in the actions reflected in the IEP Team meeting notes?

Issue Five:

Does USD #458 provide the training as required in the Supports for School Personnel section in the IEPs of IDEA-eligible students?

Issue Six:

Does USD #458 provide parents with the current IDEA Procedural Safeguards when required or requested?

Issue Seven:

Does USD #458 have policies and procedures that address the requirements of the IDEA to guide practices across all buildings in the LEA?

Issue One

Does USD #458 implement the IEPs of IDEA-eligible students, specifically the IEP services, accommodations, and disability-related health and safety supports?

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 Complaint Investigator consulted with the KSDE to determine the methodology to obtain a representative sample that would provide a valid finding of fact to address this issue.
2. This Issue was investigated through onsite observations of ten students at five school buildings in USD #458, by three observers, and across two dates.
3. The ten students were randomly chosen to be in interrelated programs similar to those of the Complainant's students. The five buildings were chosen to reflect all grade levels from elementary through high school and included both school buildings the Complainant's students attend. The three observers included two contracted KSDE child complaint investigators and a special education program consultant employed by KSDE to ensure knowledge of the IDEA. In addition, the three observers attended training on September 24, 2026 to ensure reliability of the observation and interview data collected in relation to the systemic issue of IEP implementation.
4. Basehor Intermediate School (BIS) for grades three through five
    a. Student 1
        i. Student 1 is in fourth grade and has one reading goal and one math goal on the IEP. Special education services include 75 minutes per day for five days per week of specialized instruction in the special education setting to address the reading and math goals. The IEP includes four accommodations related to reading, writing, and focus.

ii. Observer Summary: This student's Goals 1 and 2 were addressed as observed in the special education class (Goal 1) or through interviews (Goal 2). Services were provided as described on the IEP as observed or affirmed in interview. A new schedule collected at site reflected some changes from the one previously provided to the complaint investigator due to changes in the general education classroom schedule. This observation documented good quality special education instruction being provided in the special education classroom. Interview data supports the schedule for math services and that the goal is addressed there. Accommodations were documented through the interview with general education teacher and in class observation.

b. Student 2

i. Student 2 is in fourth grade and has one reading goal and one language goal on the IEP. Special education services include 45 minutes per day for five days per week of specialized instruction in the special education setting to address the reading goal and speech/language therapy for 20 minutes one day per week . The IEP includes four accommodations related to reading, writing, language, and focus.

ii. Observer Summary: This student's IEP goals were addressed as observed in class (Goal 1) or through interviews with speech language therapist (Goal 2). Services were provided as described on the IEP as observed or affirmed in interview, with supporting documentation of attendance and data collection. New schedule collected at site reflecting some changes from the one provided to the complaint investigator due to changes in the general education classroom schedule. This observation documented good quality special education instruction being provided in the special education classroom. Interview data supports the schedule for therapy and that the goals are addressed there. Accommodations were documented through the interview with the general education teacher.

c. Student 3

i. Student 3 is in third grade and has one reading goal and two language goals on the IEP. Special education services include 40 minutes per day for five days per week of specialized instruction in the special education setting and 20 minutes per day five days per week in the general education setting to address the reading goal and language therapy for 20 minutes one day per week .

The IEP includes four accommodations related to reading, writing, and language.

ii. Observers Summary: This student's three goals were addressed as observed in class or through interviews with teachers. Services were provided as described on the IEP as observed. This observation documented good quality special education instruction being provided in the special education classroom. Interview data supports the schedule for therapy and that the goals are addressed there. Accommodations were documented through the interview with the general education teacher. It is noted that the 20 minutes of special education in the general education setting was not observed due to an early dismissal of the school building due to smoke. The general education teacher's interview explained and confirmed the time and service given in good detail to document this service.

5. Linwood Elementary School (LES) grades kindergarten through fifth grade
    a. Student 4
        i. Student 4 is in third grade and has six reading goals on the IEP. Special education services include 60 minutes per day for five days per week of reading instruction in the special education setting and 45 minutes per day five days per week of reading instruction in the general education setting. The IEP includes eight accommodations related to decoding, encoding, fluency, and comprehension
        ii. ii. Observer summary: This student's special education (G) and special education in the general classroom (C) were observed and documented through teacher interviews. The student's IEP goals were addressed during special education instruction and accommodations facilitated by general education teacher and paraprofessional support in the classroom. This student is receiving an intensive reading program, in both classroom settings. The teacher reported anxiety last year, with improvement this year. Observation documented a confident student, volunteering in both settings, engaged in general and special education instruction.
    b. Student 5
        i. Student 5 is in second grade and has four reading goals on the IEP. Special education services include 60 minutes per day for five days per week of reading instruction in the special education setting and 40 minutes per day five days per week of reading instruction in the general education setting. The IEP includes 10 accommodations related to decoding and fluency.
        ii. Observer Summary: This student's special education (G) and special education in the general classroom (C) were observed and

documented through teacher interviews. The student's IEP goals were addressed during instruction and accommodations facilitated by the general education teacher and paraprofessional support in the classroom. While the majority of general education support (c) was given during the reading and writing period, the student also received support for reading directions or other material during math instructional blocks. The observer notes a confident student who is engaged in instruction on both settings.

6. Gray Hawk Elementary School (GHE) for grades kindergarten through fifth grade
    a. Student 6
        i. Student 6 is in fourth grade and has one reading goal, one math goal, and one speech goal on the IEP. Special education services include 40 minutes per day for five days per week of reading instruction and 40 minutes per day five days per week of math instruction in the special education setting. In addition, the IEP requires special education instruction for 40 minutes per day for five days per week in the general education setting. The IEP also includes 20 minutes two times per week of speech therapy. The IEP includes nine accommodations related to reading, writing, and math.
        ii. Observer Summary: This student's Goals 1 and 2 were addressed as observed in both special education and goal 1 was addressed in the general education class as well.. Goal 3 was addressed as observed during time with SLP. The special education teacher also reinforced the /r/ sound when the student was working on /r/blends. Services were provided as listed on IEP during my observation. This observation documented good quality special education instruction being provided in the special education classroom, general education classroom and during speech therapy. Interview data supports the schedule for services and that the goals are addressed there. Accommodations were documented through classroom observations and interviews.
    b. Student 7
        i. Student 7 is in second grade and has two reading goals, one math goal, one speech goal, and one language goal on the IEP. Special education services include 45 minutes per day for five days per week of specialized instruction in the special education setting to address the reading and math goals and 20 minutes per day two days per week of speech therapy. The IEP includes three accommodations related to testing, movement, and copying.
        ii. Observer Summary: This student's Goals 1 and 2 were addressed as observed in both special education and general education class.

Goal 3 was addressed as observed during math instruction in the special education classroom. Goal 4 and 5 were addressed and observed during speech therapy. Services were provided as listed on IEP during my observation. This observation documented good quality special education instruction being provided in the special education classroom, general education classroom and during speech therapy. Interview data supports the schedule for services and that the goals are addressed there. Accommodations were documented through classroom observations and interviews.

7. Basehor-Linwood Middle School (BLMS) for grades six through eight
    a. Student 8
        i. Student 8 is in seventh grade and has one reading goal on the IEP. Special education services include 15 minutes per day for five days per week of specialized instruction in the general education setting to address the reading goal. The IEP includes three accommodations related to reading, testing, and checking for understanding.
        ii. Observer's Summary: The student's reading goal was addressed as observed in the seventh grade reading class and through interviews with the special education co-teacher and the general education teacher. The one service did match the IEP. The student doesn't require much support so while the special education teacher is co-teaching reading, he only needs 15 min of support per day. The observer interviewed the special education teacher, reading, teacher, and history teacher who were all very knowledgeable of the students' accommodations and were able to explain how they are being implemented in their classrooms. The observation documented good quality special education being provided in the general education classroom for this student. Interview data also supported the student's schedule and the goal being addressed in the co-taught reading class. Observation and interviews documented the implementation of the accommodations as written.
8. Basehor-Linwood High School (grades nine through twelve)
    a. Student 9
        i. Student 9 is in the eleventh grade and follows a block schedule at the BLHS. The IEP documents that Student 9 will receive 88 minutes of direct special education services outside the regular classroom three days every other week and two days every other week. Additionally, Student 9 will receive 44 minutes of direct special education services inside the regular classroom three days every other week and two days every other week. Finally, Student 9 will

receive 88 minutes of community based direct instruction for vocational special education (work study) three days every other week and two days every other week. The schedule shows Student 9 is enrolled in two special education classes and one work study class with the remainder of the classes in the general education setting. Student 9's IEP includes one IEP goal for written expression. The IEP also lists two accommodations related to writing assignments and test taking.

ii. Observer's Summary: Onsite interviews occurred with the Student 9's Chemistry, Zoology, US History, Myths & Legends [English / language arts class], Learning Strategies, Vocational Facilitator, and Advisory teachers, co-teachers, paraeducators and Case Manager. Observation occurred in the Student 9's Chemistry, Zoology, U.S. History, Myths & Legends, and Learning Strategies classes. All teachers and paraeducators were aware that Student 9 had an IEP and could name the goal, service minutes and accommodations in the IEP. It was confirmed that the student worked at a local fast-food restaurant site for his work study class. It is determined that the Student 9's service minutes, IEP goal and accommodations were implemented based on review of the IEP, the onsite observations on September 29-30, 2026, and interviews.

b. Student 10

i. The IEP documents that Student 10 will receive 44 minutes of direct special education instruction inside the regular classroom three days every other week and two days every other week. Student 10's IEP includes one math IEP goal and lists two accommodations related to testing and checks for understanding.

ii. Onsite interviews occurred with Student 10's Drawing, Strength & Conditioning, American Literature, Math, History, Zoology, Culinary Arts and Advisory teachers, and Case Manager. All teachers were aware that Student 10 had an IEP and could name the goal, service minutes and accommodations in the IEP. Observation occurred in the Student 10's Drawing, Math, Zoology and Advisory classes. It is determined that the Student 10's service minutes, IEP goal and accommodations were implemented based on review of the IEP, the onsite observations, and interviews.

Conclusion

In this case, all 10 students with exceptionalities had IEPs that included a listing of the the special education services and the program accommodations/modifications that each student's IEP Team determined would be provided to enable the each student 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. The onsite observations and interviews with the special education staff and general education staff conducted on September 29 and 30, 2026 by three observers found that the required special education services and the required program accommodations/modifications were implemented as written for each of the 10 students with exceptionalities.

Based on the foregoing, the ***LEA did not violate state and federal regulations*** implementing the Individuals with Disabilities Education Act (IDEA) as required by 34 C.F.R. §300.320(a)(4) and 34 C.F.R. §300.323(c)(2). Therefore, the LEA is found to be in compliance in regards to Issue One.

Issue Two

Does USD #458 provide parent-requested educational records following IDEA and Kansas regulations without unnecessary delay and, in no case, more than 45-days from the date of the request?

Applicable Law

Federal regulations at 34 C.F.R. §300.613(a) require public agencies to permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the public agency. The public agency must comply with a parent request without unnecessary delay and before any meeting regarding an IEP, or any hearing related discipline or due process, and in no case more than 45 days after the request has been made.

Analysis: Findings of Fact

1. The LEA conducted an internal review of procedures for responding to parent requests for educational records. The LEA acknowledged records were not consistently provided prior to IEP meetings and within 45 days of the parent's request during the 2025-26 school year.
2. Based on the internal review, the LEA proposed a resolution to the KSDE to correct the noncompliance, which included a corrective action plan.
3. The KSDE accepted the LEA's proposed resolution on October 2, 2026.

Conclusion

In this case, the LEA conducted an internal review related to responding to parent requests for educational records in a timely manner and acknowledged noncompliance with federal regulations at 34 C.F.R. §300.613(a). Based on that internal review, the LEA proposed a resolution to the KSDE which included a corrective action plan and the KSDE accepted that proposed resolution.

Because the LEA has acknowledged noncompliance and a corrective action plan was developed and accepted by the KSDE, this issue will not be investigated any further as part of this systemic child complaint.

Issue Three:

Does USD #458 follow appropriate procedures when excusing a member of the IEP Team from an IEP Team meeting?

Applicable Law

Federal regulations at 34 C.F.R. §300.321(a) require that each public agency ensure that the IEP Team for each student with a disability includes the parents of the student; at least one regular education teacher of the student; at least one special education teacher of the student; a representative of the public agency; an individual who can interpret the instructional implications of evaluation results; at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate; and the student, if appropriate.

Federal regulations at 34 C.F.R. §300.321(e)(1) allows a required member of the IEP Team to be excused from an IEP Team meeting, in whole or in part, if the parent of a child with a disability and the public agency agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.

Federal regulations at 34 C.F.R. §300.321(e)(2) allows a required member of the IEP Team to be excused from attending an IEP Team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent, in writing, and the public agency consent to the excusal; and if the member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting.

Analysis: Findings of Fact

1. The Complaint Investigator consulted with the KSDE to determine the methodology to obtain a representative sample that would provide a valid finding of fact to address this issue.
2. This issue was investigated through a file review of 10 randomly selected files where a required member of the IEP Team was excused from attendance at an IEP Team meeting held after August 25, 2025.

3. The following table shows the findings of the file review:

Student	Date of IEP meeting	Required IEP Team member excused	Area being discussed?	Excused in writing by LEA and parent	Input submitted in writing prior to the IEP Team meeting
1	11/18/25	SLP	Yes	Yes	Yes
2	11/14/25	General Ed Teacher	Yes	Yes	Yes
3	8/27/26	OT General Ed Teacher	No No	Yes Yes	No No
4	4/29/26	General Ed Teacher	Yes	Yes	Yes
5	10/2/25	General Ed Teacher	Yes	Yes	Yes
6	1/23/26	SLP	Yes	Yes	Yes
7	3/24/26	SLP	Yes	Yes	Yes
8	11/13/25	School Nurse	Yes	Yes	No
9	4/16/26	General Ed Teacher	Yes	Yes	Yes
10	10/8/25	General Ed Teacher	Yes	Yes	Yes

4. The excused IEP Team members for students 1, 3, 6, 7, and 8 were all related service providers who are not generally considered as required members of the IEP Team and the LEA acknowledged these staff were not required IEP Team members.
5. When asked why the form titled "Excusal from Attendance at IEP Meetings of Required Team Members" was used to excuse staff who are not required IEP Team members, the Special Education Director stated, "This has been a cooperative practice for a number of years. The expectation is we try to have all members of the team who provide a service attend the IEP meeting. When this isn't possible, the cooperative [TBLSEC] wants to ensure parents get some info on this area prior to the meeting, so the cooperative has used this form to communicate to parents that there isn't a team member attending who we think should be there."

Conclusion

In this case, the file reviews for students 2, 4, 5, 9, and 10 all documented that the parent of the student with a disability agreed to excuse the general education teacher, a required member of the IEP Team, from an IEP Team meeting held within the previous 12 months from the date of this Complaint Report . Documentation shows that all five of the excused general education teachers provided written input to each student's IEP case manager which, in turn, was shared with the parent when the excusal form was signed prior to the start of the IEP Team meeting in accordance with 34 C.F.R. §300.321(e)(2).

The file reviews for students 1, 6, 7, and 8 all documented that the IEP Team members who were excused from the IEP Team were all related service providers, who are not required members of the IEP Team. The LEA acknowledged these staff are not required IEP Team members but clarified that related services staff are routinely invited to IEP Team meetings for the students they serve because of their knowledge and special expertise regarding the student and, as such, are considered required members of the IEP Team according to 34 C.F.R. 300.321(a). The LEA stated, "This has been a cooperative practice for a number of years. The expectation is we try to have all members of the team who provide a service attend the IEP meeting. When this isn't possible, the cooperative wants to ensure parents get some info on this area prior to the meeting, so the cooperative has used this form to communicate to parents that there isn't a team member attending who we think should be there."

In the case of student 3, the general education teacher and the OT would both be considered as required members of the IEP Team. The Notification of Meeting form showed that both of these staff were invited to the IEP Team meeting on August 27, 2026 but were excused from attending and the excusal documentation showed the area of the curriculum for neither of these staff were not being discussed at the meeting. Clarification found that the purpose of the meeting was only to change the amount of minutes on the IEP to match the middle school class schedule at the beginning of the school year. No written input was provided to the parent prior to the IEP Team meeting in accordance with 34 C.F.R. §300.321(e)(1).

Based on the foregoing, the *LEA did not violate state and federal regulations* implementing the Individuals with Disabilities Education Act (IDEA) as required by 34 C.F.R. §300.321(a), 34 C.F.R. §300.321(e)(1) and 34 C.F.R. §300.321(e)(2). Therefore, the LEA is found to be in compliance in regards to Issue Three.

Issue Four

Does USD #458 provide accurate prior written notice (PWN) to parents as described in the actions reflected in the IEP Team meeting notes?

Applicable Law

Federal regulations at 34 C.F.R. §300.503(a) require school districts to provide parents with prior written notice a reasonable time before they propose or refuse to initiate or change the identification, evaluation, educational placement, or the provision of FAPE to the student.

Federal regulations at 34 C.F.R. §300.503(b) states that school districts must include the following content in the prior written notice:

1. A description of the action proposed or refused by the agency;
2. An explanation of why the agency proposes or refuses to take the action;
3. A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action;

4. A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
5. Sources for parents to contact to obtain assistance in understanding the provisions of this part;
6. A description of other options that the IEP Team considered and the reasons why those options were rejected; and
7. A description of other factors that are relevant to the agency's proposal or refusal.

In addition, Kansas state regulations at K.A.R. 91-40-27(a)(3) require school districts to obtain parent consent before making a material change in services or a substantial change in placement. "Material change in services" is defined at K.A.R. 91-40-1(mm) as an increase or decrease of 25% or more of the frequency or duration of a special education service, related service, or supplementary aid or service specified in the child's IEP. "Substantial change in placement" is defined at K.A.R. 91-40-1(sss) as the movement of an exceptional child for more than 25% of the child's school day from a less restrictive environment to a more restrictive environment or from a more restrictive environment to a less restrictive environment.

However, Kansas state regulations at K.A.R. 91-40-27(a)(3) also allow an exception for obtaining parent consent for a material change in services and a significant change in placement when a student graduates from high school or exceeds the age of eligibility for special education services at age 21.

Nothing in the IDEA requires school districts to take or keep notes at IEP Team meetings. The LEA's has a form titled "Meeting Notes" and the LEA's procedure and practice is to take notes at every IEP Team meeting and to keep those notes in the individual student's file.

Analysis: Findings of Fact

1. The Complaint Investigator consulted with the KSDE to determine the methodology to obtain a representative sample that would provide a valid finding of fact to address this issue.
2. This issue was investigated through a file review of 10 randomly selected files where the LEA provided the parent of the student with a disability with a prior written notice (PWN) as a result of an IEP Team meeting held after August 25, 2025.

3. The following table shows the findings of the file review:

Student	Date of IEP meeting	Actions described in IEP Team Meeting Notes	Actions proposed or refused in the PWN	Parent consent obtained?
1	2/9/26	Discussed services for the remainder of the school year and discussed post-secondary setting	Proposed change in services and change in placement due to graduation from high school	Yes _X*__ No ___ N/A ___ *but not required
2	11/18/25	Discussed modifications to accommodations and necessary services	Proposed reduction in services (not material) and to delete one accommodation	Yes _X*__ No ___ N/A ___ *but not required
3	12/6/25	Determined eligibility and development of initial IEP	Proposed initial eligibility and initial services	Yes _X__ No ___ N/A ___
4	2/6/26	Reviewed goal progress and need for continued speech therapy services. Discussed the need for extended school year and transportation as a related service.	Proposed maintaining speech therapy services and refused special transportation and extended school year services as student was not eligible	Yes _X*__ No ___ N/A ___ *but not required
5	4/29/26	Discussed transition to middle school and the special education, social work, and transportation services needed as well as the need to add attendant services at lunch based on data review.	Proposed significant change of placement for middle school and material change of services by adding attendant services and adjusting minutes based on middle school schedule, proposed changes in the behavior intervention plan, and proposed continuing specialized transportation upon transfer to middle school in 2026-27 school year.	Yes __X__ No ___ N/A ___

Student	Date of IEP meeting	Actions described in IEP Team Meeting Notes	Actions proposed or refused in the PWN	Parent consent obtained?
6	3/6/26	Reviewed goal progress and discussed reduction in special education and therapy services. Reviewed accommodations and discussed the need for extended school year and transportation as a related service.	Proposed reducing special education services and changing direct therapy to consult (material change of services) as well as refused transportation as a related service and extended school year services.	Yes _X__ No ___ N/A ___
7	4/15/26	Determined eligibility and development of initial IEP	Proposed initial eligibility and initial services	Yes _X__ No ___ N/A ___
8	4/17/26	Reviewed goal progress, agreed upon goals, accommodations and modifications, and discussed reducing special ed services.	Proposed material change of services, a change of placement (not significant), and other changes to the IEP. However, only the material change of services was described in the PWN.	Yes _X__ No ___ N/A ___
9	1/12/26	Reviewed goal progress, met all OT goals and OT services no longer needed. Extended school year services discussed and recommended as well as an increase in special education minutes. Reviewed and agreed upon accommodations.	Proposed change of services (not material), significant change of placement, and other changes to the IEP. However, actions proposed include dismissal from OT services which is a material change of services.	Yes _X__ No ___ N/A ___
10	4/17/26	Reviewed progress and services. Not using accommodations but keep in case needed next school year. Doing very well with the current level of services and possible dismissal following reevaluation next school year.	Proposed change in services (not material).	Yes _X*__ No ___ N/A ___ *but not required

4. The Director of Special Education reported the LEA has a long-standing expectation that parents are provided with PWN following every IEP Team because, at a minimum the goals change. He explained that consent must be obtained for actions that require parent consent; however, he acknowledged that parents often misunderstand when provided with the PWN and sign the consent section of the form even when parent consent is not required.

Conclusion

It is noted that the LEA has a practice of providing parents with PWN after each IEP Team meeting because, at a minimum, the LEA is proposing to update IEP goals and to continue current IEP services and placement. There is nothing in either state or federal regulations that prohibits public agencies from having procedures and practices that go beyond the requirements of the state and federal requirements implementing the IDEA..

The LEA acknowledged that parents often provide written consent even when it is not required by state or federal regulations because they misunderstand when written consent for actions proposed or refused in a PWN is required. The file review found that 100% of the PWN were signed by the parent even though 40% did not require parent consent. The LEA should be mindful of the implications of this situation which could lead to misunderstandings when a parent disagrees with an action proposed or refused by the LEA where parent consent is not required.

It should be noted that the IDEA does not require that IEP Team meeting notes be taken and kept; however, the LEA has a practice of taking and keeping IEP Team meeting notes. This practice of keeping the IEP Team meeting notes made it possible for a file review to compare the meeting notes with the PWN issued following the IEP Team meetings for the 10 students.

The file review for the 10 students showed that the IEP Team Meeting Notes supported the actions the LEA proposed and refused for students 1, 2, 3, 4, 5, 6, 7,and 10. However, the PWNs in the file reviews for students 8 and 9 did not accurately reflect the IEP Team Meeting Notes which indicates a discrepancy between what happened at the IEP Team meeting and what actions the LEA proposed or refused following the meeting.

The PWN for student 8 had the boxes marked for proposing a material change in services requiring parent consent, a change of placement not requiring parent consent, and other changes in the IEP not requiring parent consent. However, the Meeting Notes only recorded the discussion regarding a change of services and the content of the PWN only related to the proposed material change of services. There was no information contained in the PWN that related to a change of placement or any other changes in the IEP being proposed by the LEA in this PWN.

The Meeting Notes and PWN for student 9 both reflected a change in the OT services provided to the student. The PWN proposes that the student be dismissed from OT services which,

according to K.A.R. 91-40-27(a)(3), is a 100% decrease in the amount of services currently being provided to the student and requires parent consent for a material change of services. However, the PWN only proposed a change of services not requiring parent consent which is defined as a change of less than a 25% in the services being proposed for the student in Kansas regulations at K.A.R. 91-40-1(mm).

It is possible that the incorrect proposed actions marked on student 8 and 9's PWN were marked by mistake; however, the IDEA requires PWNs to explain to parents the actions the public agency is proposing or refusing and grants parents procedural safeguards if they disagree with actions proposed or refused by the public agency. For an action requiring consent, simply refusing to provide consent stops the action from taking place; however, to stop an action that does not require consent, the parent must file for due process. It is of great importance that PWNs issued to parents by the LEA are an accurate reflection of the decisions made as a result of the discussion held by the IEP Team in order to avoid confusion, miscommunication, and distrust between parents and public agencies.

Based on the foregoing, the ***LEA did violate state and federal regulations*** implementing the Individuals with Disabilities Education Act (IDEA) in regards to the content of the PWN described in 34 C.F.R. §300.503(b). Therefore, the LEA is found to not be in compliance and corrective action is required.

Issue Five

Does USD #458 provide the training as required in the Supports for School Personnel section in the IEPs of IDEA-eligible students?

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.

1. Analysis: Findings of Fact

1. As a result of findings in Child Complaint -------, the LEA Instituted a new procedure for documenting special education service delivery, specifically keeping service logs by all related services staff and by all staff conducting support for school personnel. This procedure was updated in the Best Practice and Procedure Guide and training on the updated procedure was held with LEA staff at the beginning of the 2026-27 school year.

2. The Complaint Investigator consulted with the KSDE to determine the methodology to obtain a representative sample that would provide a valid finding of fact to address this issue. Because of the updated procedure and the staff training directly linked to Issue Five, a file review of 10 randomly selected files where the LEA provided support to school personnel, including training, during the 2026-27 school year was conducted.
3. The following table shows the findings of the file review:

Student	Date of IEP meeting	Type of training required by the IEP	Documentation of training	Was training provided as written in the IEP?
1	4/15/26	OT consultation with classroom teachers (CRTs) and SLP for 15 minutes once every 9 weeks	OT consultation with resource teacher on 8/12/16; CRTs on 8/21/26 and 9/25/26; , and SLP on 9/21/26 on OT Documentation Record	Yes _X___ No ___
2	10/16/25	Deaf and Hard of Hearing Teacher (DHHT) consultation with CRTs for 15 minutes once annually	Email to all BLHS classroom teachers on 8/10/26, 8/26/26, and 9/10/26 from DHHT	Yes _X___ No ___
3	12/18/25	OT consultation with CRTs for 15 minutes once every 4 weeks SLP consultation with CRTs for 15 minutes once every 4 weeks	OT consultation with CRTs on 8/26/26 and 9/25/26 on OT Documentation Record SLP consultation with CRTs on 9/22/26 documented on calendar invitation and meeting notes	Yes _X___ No ___ Yes _X___ No ___
4	10/16/25	Case manager provide BIP to CRTs and inservice school staff on how to address behavior and implement BIP for 15 minutes once per semester.	1st semester 2026-27: inservice held with CRTs on 8/10126 per meeting agenda and BIP emailed to CRTs on 8/12/26 per email	Yes _X___ No ___

Student	Date of IEP meeting	Type of training required by the IEP	Documentation of training	Was training provided as written in the IEP?
5	1/12/26	Case manager provide BIP to CRTs and inservice school staff on how to address behavior and implement BIP for 15 minutes once per semester.	1st semester 2026-27: inservice held with CRTs on 8/10126 per meeting agenda and BIP emailed to CRTs on 8/12/26 per email	Yes _X___ No ___
6	5/11/26	SLP consultation with CRTs for 15 minutes once every 4 weeks	SLP consultation with CRTs on 9/16/26 documented on calendar invitation and meeting notes	Yes _X__ No ___
7	4/20/26	OT consultation with CRTs for 10 minutes once every semester	OT consultation with CRT on 8/14/26 on OT Documentation Record	Yes _X___ No ___
8	1/30/26	Teacher of Visually Impaired (TVI) consultation with CRTs for 30 minutes once annually Orientation and Mobility (O&M) Specialist consultation with CRTs for 30 minutes on one day every four weeks	Consultation on 8/10/26 and 9/21/26 per TVI Contact Log Consultation on 8/10/26 and 9/1/26 per the Indirect Service Log kept by the O&M Specialist	Yes _X___ No ___ Yes _X___ No ___
9	3/12/26	OT consultation with CRTs for 20 minutes once every 9 weeks	OT consultation with CRTs on 8/11/26, 8/26/26 and 9/16/26 on OT Documentation Record	Yes _X___ No ___
10	12/18/26	SLP consultation with CRTs for 10 minutes once every 4 weeks	SLP consultation with CRTs on 9/23/26 documented on calendar invitation and meeting notes	Yes _X___ No ___

Conclusion

In this case, noncompliance was identified for an individual student during the investigation of ------and the LEA was required to complete a corrective action plan to address this noncompliance. Those corrective actions were completed prior to the start of the 2026-27

school year and a file review of randomly selected students with IEPs requiring support for school personnel was completed focusing on implementation of the described support during the current school year. In each case, documentation showed that the selected staff working with each student received the required amount of consultation and/or inservice training described in the student's IEP.

Based on the foregoing, the L*EA did not violate state and federal regulations* implementing the Individuals with Disabilities Education Act (IDEA) as required by 34 C.F.R. §300.320(a)(4). Therefore, the LEA is found to be in compliance in regards to Issue Five.

Issue Six:

Does USD #458 provide parents with the current IDEA Procedural Safeguards when required or requested?

Applicable Law

Federal regulations at 34 C.F.R. §300.504(a) require that a copy of the procedural safeguards must be given to the parents only one time a school year, except that a copy also must be given to the parents 1) upon initial referral or parent request for evaluation; 2) upon receipt of the first State complaint and upon receipt of the first due process complaint in a school year; 3) in accordance with disciplinary procedures; and 4) upon request by a parent.

Federal regulations at 34 C.F.R. §300.504(b) require that a copy of the Procedural Safeguards also be posted on the LEA's website.

Federal regulations at 34 C.F.R. §300.504(c) require that the procedural safeguards must include a full explanation of all of the procedural safeguards available under §300.148, §§300.151 through 300.153, §300.300, §§300.502 through 300.503, §§300.505 through 300.518, §§300.530 through 300.536 and §§300.610 through 300.625 relating to—

(1) Independent educational evaluations;
(2) Prior written notice;
(3) Parental consent;
(4) Access to education records;
(5) Opportunity to present and resolve complaints through the due process complaint and State complaint procedures, including—
    (i) The time period in which to file a complaint;
    (ii) The opportunity for the agency to resolve the complaint; and
    (iii) The difference between the due process complaint and the State complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures;
(6) The availability of mediation;

(7) The child's placement during the pendency of any due process complaint;

(8) Procedures for students who are subject to placement in an interim alternative educational setting;

(9) Requirements for unilateral placement by parents of children in private schools at public expense;

(10) Hearings on due process complaints, including requirements for disclosure of evaluation results and recommendations;

(11) State-level appeals (if applicable in the State);

(12) Civil actions, including the time period in which to file those actions; and

(13) Attorneys' fees.

Federal regulations at 34 C.F.R. §300.504(d) require that the procedural safeguards be provided in understandable language.

Analysis: Findings of Fact

1. The Complainant reported, "The systemic issue is whether the District reliably determines when safeguards must be provided, responds appropriately to requests, ensures access to rights, and prevents outdated materials from being distributed".
2. The Complainant stated that the LEA is distributing an August 2010 copy of the Procedural Safeguards to parents instead of the current February 2020 version found on the KSDE website.
3. The Assistant Director of Special Education at KSDE reported that the text of the IDEA Procedural Statement was not changed between the 2010 and the 2020 version. The February 2020 version reflects the date the KSDE had the Procedural Safeguards statement translated into multiple foreign languages and posted on the KSDE website to ensure that public agencies and parents in Kansas had access to this document in multiple understandable languages. The 2020 English version remained the same as the 2010 English version.
4. The 2025-26 and 2026-27 versions of the TBLSEC Procedures and Best Practices Guide include guidance for when parents are to be provided with a copy of the Procedural Safeguards as described in 34 C.F.R. §300.504(a). Emails dated August 5, 2025 and August 6, 2026 document that this guidance document was provided to all TBLSEC staff.
5. The Special Education Director sends a monthly email to all TBLSEC to provide quick professional development through a quiz about the IDEA requirements and rewards a randomly selected "winner" with a small gift card from among all of the correct responses received from staff. The quiz in the October 31, 2025 newsletter asked staff to identify the other four times parents must be provided with Procedural Safeguards besides once annually. The answer was posted in the November 14, 2025 email along with the name of the winning staff.

6. The Director of Special Education reported a long-standing expectation that parents are provided a copy of the Procedural Safeguards on or around the date of each student's annual IEP Team meeting. The LEA uses a form titled Parent Rights in Special Education (Procedural Safeguards) to document the native language of the parent and the date the Procedural Safeguards are provided to the parent. The form includes the following statement: "I have received a copy of the Parent Rights in Special Education in my native language and I understand these rights". The form is then used to record the parent's signature and the date the signature is obtained.
7. A copy of the August 2010 version of the Procedural Safeguards is posted on the USD #458 website under the Parents Rights and Resources section under the Special Education tab.
8. The Complaint Investigator consulted with the KSDE to determine the methodology to obtain a representative sample that would provide a valid finding of fact to address this issue.
9. This issue was investigated through a file review of 10 randomly selected files where the LEA provided the parent of the student with a disability with a copy of the Procedural Safeguards annually during the past 12 months from the date of this Investigation Report.
10. The following table shows the findings of the file review:

Student	Date provided to parent	Date form signed by the parent
1	10/1/25	12/6/25
2	2/19/26	2/23/26
3	11/20/25	12/19/25
4	1/28/26	1/23/26
5	12/16/25	12/16/25
6	3/13/26	3/26/26
7	11/3/26	11/14/26
8	4/15/26	4/17/26
9	3/6/26	3/6/26
10	2/20/26	2/20/26

Conclusion

In this case, interviews, documentation, and a file review show that LEA staff are aware of when Procedural Safeguards are to be provided to parents in accordance with the IDEA requirements and that the Procedural Safeguards are provided to parents on an annual basis

and documented by the LEA by obtaining a parent signature. In addition, parents have access to the Procedural Safeguards on the USD #458 website.

The Complainant's concern regarding the discrepancy between the 2010 version of the Procedural Safeguards being provided to parents in the LEA and the 2020 version posted on the KSDE website was found to be moot as the August 2010 and February 2020 English versions are the same. However, the LEA should consider updating the version provided to parents and posted on their website to the one posted on the KSDE website in order to avoid future confusion.

Based on the foregoing, the ***LEA did not violate state and federal regulations*** implementing the Individuals with Disabilities Education Act (IDEA) as required by 34 C.F.R. §300.504(a), 34 C.F.R. §300.504(b), 34 C.F.R. §300.504(c), and 34 C.F.R. §300.504(d). Therefore, the LEA is found to be in compliance in regards to Issue Six.

Issue Seven

Does USD #458 have policies and procedures that address the requirements of the IDEA to guide practices across all buildings in the LEA?

Applicable Law

Federal regulations at 34 C.F.R. §300.201require that every local education agency (LEA) in providing for the education of children with disabilities within its jurisdiction, must have in effect policies, procedures, and programs that are consistent with the State policies and procedures.

Analysis: Findings of Fact

1. Based on her experiences with the LEA, the Complainant believes that the LEA does not have policies and procedures in place to consistently align with Kansas policies and procedures for implementing the requirements of the IDEA. The Complainant also believes that the LEA does not update procedures and practices based on child complaint investigation findings.
2. The Special Education Director stated, "*TBLSEC has a Procedure and Best Practice Guide that is updated yearly and communicated to staff. Within this guide are links to other supporting documents that guide practices across all buildings. These practices are in place to ensure both the development and implementation of IEPs meets best practice standards and the requirements of IDEA. Policies and procedures, as well as training on best practices are communicated regularly to staff through email communication and monthly building special education meetings and select professional development sessions. Building principals receive special education focused professional learning during the year to build their capacity as LEAs to support and oversee special education services in their buildings*".

3. The Special Education Director summarized how the findings from child complaint investigations are reviewed and LEA procedures are updated to enable the LEA practices to better align with the requirements of state and federal regulations implementing the IDEA as follows:
    a. -------
        i. Revision of student health plan and training for applicable staff
        ii. Instituted a new procedure for documenting special education service delivery (Service logs) - there was a procedure added to the best practice and procedure guide and trainings were held with cooperative staff at the beginning of the 2026-27 school year
        iii. Added Guidance to the Best Practice and Procedure Guide:
            1. Pg 7 - Documentation of Training required within the IEP
            2. Pg 18 - Guidance on handling Doctor's orders and the IEP process
        iv. Emails to all staff with reminders about new guidance in Best Practice and Procedure Guide in August 2026
    b. -------
        i. Trainings for staff on health plan, seizure response and accommodations
    c. -------
        i. Added Guidance to the Procedures and Best Practice Guide
        ii. Pg 18 - Guidance on when an IHP should be part of IEP and
    d. -------
        i. Updated Meeting notes where applicable and offered a records hearing where records were not updated
        ii. Added Guidance to the Best Practice and Procedure Guide:
        iii. Pg 36-37 - Updated written procedures addressing the issue of a parent request to amend special education records.
        iv. Provided training re: this issue at each building within the cooperative
        v. Provided training re: this issue to each district's administrative team
    e. 27FC458-005
        i. Conduct a self study re: the FERPA violation, contact any family whose PII was unintentionally disclosed and conduct training for the individual who inadvertently disclosed PPI as part of fulfilling FERPA request
        ii. Added Guidance to the Best Practice and Procedure Guide: Responding to records requests on Pg 36

iii. -Provided training to all special education staff at each cooperative building who may be responding to a parent request for their child's records

4. The Special Education Director also reported, "*TBLSEC maintains an internal file review process to help ensure that IEPs meet the requirements of the Individuals with Disabilities Education Act (IDEA). During the 2025–26 school year, this process included internal file reviews conducted at the cooperative level. Cooperative leadership reviewed special education files across the district using the KSDE file review tool to assess compliance with state and federal requirements. When files were identified as needing correction, Cooperative leadership provided guidance and support to teams regarding the appropriate steps for working with parents through the IEP amendment process". The LEA provided documentation of this process including meeting notes and data summaries.*
5. USD #458 School Board Policy IDACA states, "In the provision of special education and related services, the district will implement all Federal and Kansas statutes, rules, and regulations".
6. The LEA created a 2025-26 and a 2026-27 version of the Procedures and Best Practices Guide, which is a written special education procedures manual which references the Kansas Special Education Process Handbook.
7. Emails sent by the Special Education Director to all TBLSEC staff dated December 5, 2025, February 6, 2026, and August 6, 2026 show that the Procedures and Best Practices Guide was updated to better align with state and federal regulations.
8. The Special Education Director reported and documentation of these emails from the 2025-26 and the 2026-27 school years shows a practice of sending ongoing monthly emails to all TBLSEC staff communicating updates and important information as well as highlighting procedures related to upcoming IDEA requirements e.g. progress monitoring, ESY determination, accommodations for state testing, etc.

Conclusion

In this case, there is evidence to support a finding that the LEA has policies and procedures in place that are consistent with state and federal regulations for providing special education to students with disabilities enrolled in the district. In addition, evidence shows the LEA has a practice of ongoing review of teacher practices through the internal file review process and using that data from child complaint investigations to update procedures to better align with policies based on state and federal requirements.

Based on the foregoing, the *LEA did not violate state and federal regulations* implementing the Individuals with Disabilities Education Act (IDEA) as required by 34 C.F.R. §300.201. Therefore, the LEA is found to be in compliance in regards to Issue Seven.

Summary of Conclusions and Corrective Action

Issue One

Does USD #458 implement the IEPs of IDEA-eligible students, specifically the IEP services, accommodations, and disability-related health and safety supports?

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

Issue Two

Does USD #458 provide parent-requested educational records following IDEA and Kansas regulations without unnecessary delay and, in no case, more than 45-days from the date of the request?

No. The LEA acknowledged noncompliance with this issue and proposed a resolution and corrective action plan to address the noncompliance which the KSDE accepted on October 2, 2026.

Issue Three

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

Issue Four

Does USD #458 provide accurate prior written notice (PWN) to parents as described in the actions reflected in the IEP Team meeting notes?

No. Based upon a review of a representative sample, the LEA did violate federal regulations implementing the Individuals with Disabilities Education Act (IDEA) when providing PWN to parents during the past 12 months. As such, corrective action is ordered for the findings of noncompliance.

- Violations of IDEA regulations at 34 C.F.R. §300.503(b) were found when the LEA failed to provide 20% of parents in the representative sample with PWN that inaccurately described the action proposed or refused by the LEA.
    - No later than November 1, 2026, the LEA will provide SETS with an assurance statement that it will comply with IDEA regulations at 34 C.F.R. §300.503(b).
    - No later than December 1, 2026, the LEA will provide training to case managers at all buildings within the LEA on the description of the actions proposed or refused, how to document actions proposed or refused on the PWN form, and when the Kansas regulations regarding material change of services and substantial change of placement are required. This training must occur no later than December 31, 2026. No later than January 15, 2027, the LEA will provide SETS with a copy of the training materials as well as a copy of the sign-in sheet documenting the names and positions of the staff who participated in the training.

Issue Five

Does USD #458 provide the training as required in the Supports for School Personnel section in the IEPs of IDEA-eligible students?

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

Issue Six

Does USD #458 provide parents with the current IDEA Procedural Safeguards when required or requested?

Yes.

Issue Seven

Does USD #458 have policies and procedures that address the requirements of the IDEA to guide practices across all buildings in the LEA?

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

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)