

KANSAS STATE DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND TITLE SERVICES

REPORT OF COMPLAINT
FILED AGAINST
UNIFIED SCHOOL DISTRICT #229
ON MARCH 12, 2024

DATE OF REPORT APRIL 19, 2024

This report is in response to a complaint filed with the Kansas State Department of Education on behalf of -----, by his father, ----- . In the remainder of the report, ----- will be referred to as “the student.” ----- will be referred to as “the complainant”, “the parent”, or “the father”.

The complaint is against USD #229 In the remainder of the report, USD #229 will be referred to as “the district”, “the local education agency (LEA)”, or “the school”.

The Kansas State Department of Education (KSDE) allows for a 30-day timeline to investigate a complaint from the date in which it was filed. A complaint is considered filed on the date in which it was received by KSDE. In this case, the KSDE initially received the complaint on March 12, 2024, and the 30-day timeline ends on April 11, 2024. Due to the inclusion of two additional issues, an extension of the timeline was granted. The final report is due April 19, 2024.

Evidence Reviewed

During the investigation, the Complaint Investigator, Ashley Niedzwiecki, reviewed all evidence and documentation, which was provided by both the district and the complainant. The following documentation and information were used in consideration of the issues:

1. Parent’s written allegation. (E.1)
2. District’s written response to the allegation. (E.2)
3. Email response from the district to the investigator dated 3/18/2024 addressing the October 26, 2023, meeting. (E.3)
4. Interviews with the Assistant Superintendent of Special Education, Dr. Mark Schmidt on 3/26/2024 and 3/29/2024. (E.4)
5. Interview with the building principal, Ms. Kristin Venable on 3/26/2024. (E.5)
6. Interviews with the parent on 3/28/2024 and 3/29/2024. (E.6)
7. IEP team meeting notes dated 10/26/2023. (E.7)
8. Zoom Usage Report dated 10/25/2023 – 10/26/2023. (E.8)
9. Email correspondence dated 2/26/2023 – 2/29/2024, between the parent and the district titled, [Student’s name] – IEP Meeting Date discussing the October 26, 2023, meeting and future meetings. (E.9)

10. Notice of Meeting, sent via email to parents on 10/12/2024, indicating a Zoom meeting to occur on 10/26/2024. (E.10)
11. Formal Complaint 24FC229-009. (E.11)
12. District's written response to Issue 2. (E.12)
13. Email correspondence between the district and the parent, dated 10/12/2023 titled, Notice of Meeting. (E.13)
14. District's written response to Issue 3. (E.14)
15. Email correspondence dated 3/29/2024 – 4/3/2024, between the parent and the district, titled Quarter 3 Progress Reports. (E.15)
16. Interview with the district about issue 2 and issue 3 on 04/15/2024. (E.16)
17. Interview with the parent about issue 2 and issue 3 on 04/16/2024. (E.17)
18. The student's 3rd Quarter Progress Report. (E.18)

Background Information

The student is elementary-aged and in attendance at USD #229. The student has been identified as a student with an exceptionality. The student is a dual- language student. During the investigation, the parent expressed concern regarding the receipt of a Notice of Meeting for the October 26, 2023, IEP Team meeting. (E.6). Additionally, the parent filed a subsequent complaint, number 24FC229-009, on April 4, 2024. (E.11). The additional issue expressed by the parent during this investigation and the issue alleged in formal complaint 24FC229-009, have been incorporated into this investigation. The investigator notified each party, in writing, that additional issues would be added to the complaint.

Issues Investigated

1. **ISSUE ONE**: Whether USD #229, in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), failed to provide the parent with meaningful participation during an IEP Team meeting held on October 26, 2023.
2. **ISSUE TWO**: Whether USD #229, in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), failed to provide the parent with a Notice of Meeting before the IEP Team meeting held on October 26, 2023.
3. **ISSUE THREE**: Whether USD #229, in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), failed to properly or timely provide the parent with Progress reports for the third quarter of the school year.

Issue One

Whether USD #229, in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), failed to provide the parent with meaningful participation during an IEP Team meeting held on October 26, 2023.

Applicable Law

Schools must make reasonable efforts to ensure that one or both parents of an exceptional child are present at each IEP team meeting or are afforded the opportunity to participate in the meeting. (34 C.F.R. 300.501(c); K.A.R. 91-40- 17(a)). If neither of the parents of an exceptional child can be physically present for an IEP team meeting, the district shall attempt other measures to ensure parent participation, including individual or conference calls. (34 C.F.R.

300.501(c); K.A.R. 91-40-17(c)). When conducting IEP Team meetings and placement meetings, the parent of a child with a disability and a public agency may agree to use alternative means of meeting participation, such as video conferences and conference calls. (34 C.F.R. 300.328). A district must also take action to ensure that parents understand the discussions that occur at an IEP team meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English. (34 C.F.R. 300.322(e); K.A.R. 91-40- 17(d)).

Findings of Fact

The father alleges the district failed to afford parent participation during the October 26, 2023, IEP team meeting for several reasons. (E.6).

First, the father asserts a poor internet connection prevented meaningful participation. (E.1; E.6). According to the father, the internet connection during the Zoom meeting kept “freezing”, causing a delay in the overall discussion. (E.6) He estimates the connection issue totaled approximately 20 minutes of the 60- minute meeting. (E.6). The district confirmed connection problems did occur. (E.2; E.4; E.5). However, according to the district, the connection issue persisted for approximately 5 minutes of the 60-minute-long meeting. (E.4). Specifically, the district stated: “The visual was good but there was some concern with the audio.” (E.5.). To fix the problem, the district exercised its standard operating procedures of disconnecting and reconnecting the Zoom meeting to obtain a better connection. (E.4). The speakerphone option on Dr. Schmidt and Mrs. Venable’s cell phones was utilized to allow all parties to communicate without the potential of any further disruption or delay. (E.4; E.5, E.6). The district also moved the computer within the building to obtain a more stable internet connection. (E.4; E.5). A Usage Report, from the Zoom record, shows the meeting began at 10:03:15 a.m. (E.8). The connection lasted for approximately 4 minutes and ended at 10:06:46 a.m. (E.8). The meeting resumed at 10:07:13 a.m. and continued uninterrupted for the next approximately 56 minutes, ending at 11:07:37 a.m. (E.8). In total the Zoom meeting was offline for 27 seconds.

The father insists the district must provide a good internet connection, stating, "If the district cannot provide a good connection that is not my issue. They need to provide the resources to get the meeting." (E.6) According to the father, the district must "have 100% reliability of meeting, that is the purpose of a meeting to ask questions and not have a delay because of a connection." (E.6).

While the father claims the Zoom meeting format hindered parent participation, he also states the solution to use speakerphones was problematic. (E.6). According to the father, the use of phones interfered with his ability to "see copies of all documents." (E.6). Both the father and the district agree that any documents discussed were shown over Zoom and printed and provided in hard copy to the father during the meeting. (E.4; E.6). However, the father argues this was "unacceptable because [I] had to ask for a document and [I] shouldn't need to. They should think to have it already." (E.6).

The investigator also sought input from the mother to ascertain her experience during the meeting, however, the father refused access to the mother, stating, "I am in charge of my kid." (E.6). According to the district, the mother did not express any concern related to the internet connection or her opportunity to participate in the meeting. (E.4; E.5). The district claims the mother provided comments, asked questions, received feedback from the team, and expressed satisfaction with the meeting. (E.4; E.5). While the investigator was unable to confirm this with the mother, there is nothing in the record to contradict the district's statement.

Next, the father claims he was not afforded the opportunity for meaningful parent participation because he was not permitted to attend the IEP team meeting in person. (E.6). As noted above, the father participated via Zoom, from a district office. (E.2; E.4; E.5; E.6). According to the father this was due to an alleged altercation between himself and a district employee, resulting in the father being denied access to the Indian Valley Elementary School grounds. (E.6.). This was confirmed by the district. (E.2). The father asserts, "It is unacceptable that [I] cannot go to the building" and claims he should have access to "a normal meeting" in person, not over Zoom. (E.6.). The father asserts, "[It is] becoming hard to handle in the normal way. The school needs to provide me the resources and bring them to me as a parent." (E.6). When asked for clarification on this statement, the father stated, [It] "took a while to reconnect." [I] "was not using my own computer. That is understandable. They need to have the resources, but the resources should not fail." (E.6). The district states, "It is clear that [the father] did meaningfully participate in the Zoom Meeting as evidenced by the Meeting Notes from 10/26/2023. [The father] was able to ask questions, [and] the team was able to consider his questions and provide responses." (E.2).

Finally, the father argues parent participation was impeded because the district failed to adequately explain a decline in the student's progress on two goals, reported October 13, 2023, or why the methodology of instruction was changed. (E.6). (See *Formal Complaint 24FC229-007* where it was found that the district did not violate IDEA when it changed the

methodology of instruction, resulting in a momentary decline in the student's overall progress). The father states this was his primary concern at the October 26, 2023, meeting. (E.6). According to the father, he sought clarification, but the district failed to provide "an acceptable explanation that student drops in progress." (E.6). The father further stated, "Everything was communicated but they didn't want to explain why they got those numbers [student progress numbers]", and insists, "progress should be the same", and a drop in percentages should "not ever happen". (E.6). Meeting notes confirm the father asked for clarification on the "temporal and spatial modifiers that are mentioned in the speech/language goal", and on how "reading and writing goals were assessed." (E.7).

According to the district, to facilitate parent understanding, Dr. Schmidt acted as a mediator of sorts, clarifying any question the father asked and redirecting the conversation when needed to make sure the team thoroughly responded to all the parent's inquiries to the parents' satisfaction. (E.4). The father acknowledged that "sometimes I couldn't understand" but confirmed Dr. Schmidt "was able to clarify" when he posed a question or needed more explanation during the meeting. (E.6).

The district contends, and progress reports confirm, the student is currently making sufficient progress. (E.5). However, the father insists he "wanted more explanation" as to why the student dropped in progress than the district has provided. (E.6). The district insists both parents were afforded the opportunity to meaningfully participate, review documents, ask questions during the meeting, and obtain appropriate explanations. (E.2; E.4; E.5).

Analysis

Since the father has claimed multiple reasons why he was denied meaningful parent participation, the investigator will review them individually.

1. Failure to provide meaningful participation due to a poor Internet connection.

While continuously poor internet connection has the potential to disrupt a meeting, possibly requiring an IEP team to reconvene, that is not always the case. Here, both the district and the parent confirm the connection was interrupted during the meeting, although the degree of disruption varies. The parent claims approximately 1/3 of the meeting was disrupted, while the district contends the disruption lasted approximately 5 minutes. Considering the Zoom log record, which shows a 4-minute Zoom call, followed 27 seconds later by a 56-minute Zoom call, it is reasonable to conclude that the meeting was interrupted for a total of 4 to 5 minutes at the beginning of the meeting. The record also shows, and all parties agree, that the district took standard operating procedures to disconnect, and then reconnect, the Zoom call to establish a more stable connection. The district took the other measures of moving the computer to a different location in the building and connecting audio through phones so that the potential for any further disruptions was minimized or eliminated.

While it may be frustrating for internet connections to falter from time to time, that, in and of itself, does not deny meaningful parent participation, so long as the interruption is not persistent to the point that parent understanding and/or communication is overly burdened. Considering the actions of the district, the Zoom log, and meeting notes indicating that parent concerns were addressed, the investigator finds no evidence to show a poor internet connection substantially hindered meaningful parent participation.

2. Failure to provide meaningful participation due to the IEP meeting being held, in part, over Zoom.

In this case, both parents were present at and afforded the opportunity, to participate in the IEP team meeting held on October 26, 2023. According to the record, the mother was able to participate in person at Indian Valley Elementary School with part of the IEP team, and over Zoom with the other part of the team. There is no indication in the record that her participation was not meaningful or that she was dissatisfied with the meeting. The father was also able to participate in person with part of the team at a district office and over Zoom with the other part of the team. There is nothing in the law that prevents districts from holding meetings in this hybrid-type style when the need arises.

Both the district and the father confirm the father is not permitted on the elementary school grounds but is permitted at other district building locations. Due to this, the district took appropriate measures to ensure both parents were able to participate by utilizing both in-person and Zoom conference call options. In this case, the district did make reasonable efforts by providing the father and the mother with appropriate locations in which to participate, a Zoom meeting, phone conference calls, hard copies and digital copies of documents, and provided equipment to ensure all parties were able to participate despite the father's inability to enter the elementary school grounds. Therefore, the evidence shows that the Zoom meeting format did not hinder or prevent parent participation.

3. Failure to provide meaningful participation due to not adequately addressing parent concerns.

Interviews with the father and the district support that, during the October 2023, IEP team meeting, the district explained why a student's progress may drop when new concepts are introduced to a student. Meeting notes also confirm the district spent time explaining to the parents the use of temporal and spatial modifiers mentioned in the speech/language goal, and how reading and writing goals were assessed. *(While student progress was not evidence considered in this complaint, it is noted in a previous report that the student's progress did drop at the beginning of the school year as concepts were added to the student's learning and the instructional method was changed. However, it*

was also noted that the student quickly showed growth with the newly introduced skills, and by the next quarter was again making sufficient progress toward all goals.)

However, the father insists the district failed to satisfactorily explain the student's drop in progress shown in the first-quarter progress reports. In interviews, the father notes that he assumes any drop in the student's percentages "means the district is not providing resources for [the student]".

Specifically, the father stated his frustration was not due to a misunderstanding of concepts, but rather his dissatisfaction with what the district presented as justification for the drop in progress.

While the law does require a district to take action to ensure parents understand the discussions that occur in an IEP team meeting, (34 C.F.R. 300.322(e); K.A.R. 91-40-17(d)), the law does not require an explanation that is subjectively acceptable to the parent. A review of meeting notes and interviews with the district and parent, confirms the district did ensure the parent understood the discussions at the October 2023, IEP team meeting.

The father acknowledged that Dr. Schmidt explained anything to him that he did not initially understand. The record shows the district paused the meeting, when necessary, circled back to providers for more explanation, and provided both parents with the opportunity to ask any question they may have.

There is nothing in the record to indicate the district's explanation, that scaffolding skills, or altering a student's instructional methodology may momentarily cause a student's percentages to dip, was inadequate or improperly conveyed to the parent. As noted, the law does not require a district to present an explanation that meets a parent's subjective requirement of what is or is not an acceptable explanation. Therefore, because there is nothing in the record to indicate the district failed to ensure the parents understood what was being discussed in the IEP team meeting, the district did not fail to provide meaningful parent participation due to a failure to adequately address the parent's concerns.

Conclusion

Based on the foregoing, a violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), specifically that the district failed to provide the parent with meaningful parent participation *is not substantiated*.

Issue Two

Whether USD #229, in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), failed to provide the parent with a Notice of Meeting before the IEP Team meeting held on October 26, 2023.

Applicable Law

Unless otherwise provided in K.A.R. 91-40-37, A district must provide written notice to the parent of any IEP team meeting at least 10 calendar days in advance of the meeting. (K.A.R. 91-40-17(a)(2)). The notice shall include the purpose of the meeting, the time, and location of the IEP team meeting, and the titles or positions of the persons who shall attend on behalf of the agency, including, if appropriate, any other agency invited to send a representative to discuss needed transition services. (34 C.F.R. 300.322(b); K.A.R. 91-40-17(b)(2)). Nothing in the law requires the Notice of Meeting to be signed by the parent.

Findings of Fact

The father claims the district failed to provide a Notice of Meeting at least 10 calendar days before the October 26, 2023, IEP team meeting. (E.6; E.10). The district denies this allegation and insists a Notice of Meeting was properly provided to the parent more than 10 days before the meeting. (E.12). The district further provides the original email correspondence, dated October 12, 2023, titled, Notice of Meeting, which included the NOM and the parental rights (E.13). The email also states that the district sent a paper copy of the NOM home in the student's backpack. (E.13).

The record shows a Notice of Meeting (NOM) was provided via email to the parents on October 12, 2023. (E.10). The NOM set the meeting date for October 26, 2023, at 10:00 am, 14 days before the meeting. (E.10). The NOM describes the purpose of the meeting as a "parent request". (E.10). The location is listed as Zoom. (E.10). The district lists the general education teacher, a special education teacher, a school representative, a person who can interpret instructional implications of evaluation results, the school psychologist, and the speech and language pathologist as the persons who shall attend on behalf of the agency. (E.10). The Notice of Meeting includes a statement on the Parent/Guardian Signature line stating, "I received a copy of the parent rights and I plan to attend the meeting as scheduled." (E.10).

Additionally, the father asserted the district requested a meeting on October 24, 2023. (E.17). The father states this was a parent meeting attended by himself, Dr. Schmidt, and Mrs. Venable. (E.17). According to the father, at the meeting, he wrote out questions he had about the student's goals and the district said they would answer the questions at the IEP team meeting where the specialists could explain. (E.17). The district confirmed the meeting was a parent meeting, although the district could not recall whether the parent wrote questions out but stated they did review general education assessments. (E.16). The district confirmed that

any discussion about issues relating to the student's IEP was delayed until the October 26, 2023, IEP team meeting. (E.17).

Analysis

Under the law, districts must provide parents with a Notice of Meeting at least 10 calendar days before any IEP team meeting. Here, the district sent the parent a NOM 14 calendar days before the October 26, 2023, IEP team meeting. The record shows all required information was included in the notice. Finally, although a parent signature is not required under the law, in this case, the statement, "I received a copy of the parent rights and I plan to attend the meeting as scheduled", was added to the Parent/Guardian Signature line, indicating the parent not only received the notice but also agreed to the location and time of the meeting.

As for the meeting held on October 24, 2023, all parties agree the meeting was a parent meeting and not an IEP team meeting. Both parties also agree that the meeting was to address some concerns the parent had, but that discussions pertaining directly to the student's IEP were discussed in the IEP team meeting held October 26, 2023. Since the October 24, 2023, meeting was not an IEP team meeting, a NOM was not required. Therefore, based on the evidence in the record, the district did not fail to provide the parent with a Notice of Meeting at least 10 calendar days before the October 26, 2023, IEP team meeting.

Conclusion

Based on the foregoing, a violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), specifically that the district failed to provide the parent with a Notice of Meeting at least 10 calendar days before an IEP team meeting *is not substantiated*.

Issue Three

Whether USD #229, in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), failed to properly or timely provide the parent with Progress reports for the third quarter of the school year.

Applicable Law

Under federal and state law, an IEP must contain a description of 1) how the student's progress toward meeting annual goals will be measured and, 2) when periodic reports on the progress the child is making toward meeting annual goals will be provided (i.e. such as quarterly or concurrent with the issuance of report cards). (34 C.F.R. 300.320(a)(3)(i)-(ii); K.S.A.72-3429(c)(3)).

Findings of Fact

The student's IEP requires that progress reports be sent quarterly in conjunction with report cards. (E.14). Specifically, the IEP states, "Progress on goals will be reported with the same

frequency as the general education report cards. (E.14). Report cards and progress reports for the 3rd Quarter were sent to all parents on March 29, 2024. (E.16).

Documents confirm that on Friday, March 29, 2024, the district sent an email to the parents indicating that 3rd Quarter Progress Reports were available on ParentVue. (E.15). The email included written instructions on how to access the report and requested if a parent had any problem viewing the document, the parent could email the district and a paper copy of the report could be provided. (E.15). Following this email, the parent responded, approximately one hour and 40 minutes later stating, "I haven't received any hardcopy documents yet", and "I have difficulty to access your system." (E.15). The district replied the following Monday with an attached copy of the student's report and asked the parent if they would like a "physical copy." (E.15). The father responded he would like a hard copy. (E.15). (E.15).

In an email, dated April 3, 2024, the district further explained how to access the student's progress reports by providing detailed screenshots of the ParentVue log-in and access process. (E.15). In the same email, Dr. Schmidt offered to arrange for a demonstration in his office if the father would prefer. (E.15). Both the written instructions and the picture instructions were attached to the email. (E.15). Finally, the email clarified that a hard copy of the report was sent home with the student on Monday, April 1, 2024. (E.15). In an interview the father stated, "I have been given the version of the report from my wife. She downloaded [it] from ParentVue." (E.17). The father further contends that he cannot get his username and password to work, and stated, "the only way I received [the report] is from the report that my wife downloaded and the version [the district] sent in email." (E.17).

During interviews, the father elaborated on two additional concerns about the appropriateness of the progress report. First, he claims the district changed the student's progress from 40% to 60% for the date of 10/13/2023. When asked about the possible discrepancy, the district seemed unaware of any change in the student's reported progress percentages on the 10/13/2023 line from one progress report document to another. (E.16). Further, the district noted that there is not now, nor has there ever been a 60% listed for any goal on the progress report for any quarter. (E.16).

A review of the 3rd Quarter progress report shows the student's progress toward a writing goal on 10/13/2023 was 40%, specifically stating, "When given words with a variety of syllable types, [the student] writes the words with 40% accuracy." (E.18). Other goal percentages listed on 10/13/2023 include a writing goal at 70% accuracy, a reading goal at 80% accuracy, and a language goal at 70% accuracy. (E.18). There is not a 60% listed on the progress report for any goal, or any date, in the entirety of the report. (E.18).

Secondly, the father states the student is not making adequate progress toward goals as reported in the student's progress report. (E.17). The father bases this claim on observations and discussions with the student in the student's home environment. (E.17). The district states that the student's progress is accurately reported. (E.16).

Analysis

Here, the father claims the district failed to properly provide the parents with progress reports. The student's IEP describes when periodic reports on student progress will be provided as, "*the same frequency as the general education report cards.*" A review of emails sent from the district shows the 3rd Quarter Progress Report was sent to both parents on March 29, 2023. This aligns with when all general education report cards were sent to parents via ParentVue.

Furthermore, documents and interviews reveal that in addition to the 3rd Quarter Progress Report sent to the parents via ParentVue, the father also received an emailed copy of the student's progress report, a hard copy of the report sent home with the student, and a downloaded copy from his wife.

Guidance, provided by the Office of Special Education Programs (OSEP), states "[T]he specific times that progress reports are provided to parents and the specific format in which a child's progress toward meeting the annual goals is reported is best left up to State and local officials to determine." (*Federal Register, Vol. 71, No. 156, August 14, 2006, pg. 46664*). Further guidance, provided by the Kansas State Department of Education says, "The reporting may be carried out in writing or through a meeting with the parent (including documentation of information shared at the meeting); whichever would be a more effective means of communication." (*Kansas Special Education Process Handbook, pg. 80*).

The district has established that special education progress reports will be provided through ParentVue. The format in which a district provides parents with progress reports is left to the district's discretion. There is nothing in the record to indicate the parents do not have internet access, (as evidenced by the parent's email communication with the district), or access to ParentVue (as evidenced by the mother's ability to download and print the progress report).

Furthermore, the district sent multiple versions of instructions to the father on how to access the student's quarterly progress reports and offered to provide one-to-one in-person training. Finally, the district also provided the parents with a hard copy, and specifically, provided the father with an emailed copy of the student's progress report.

Next, the father asserts the student's progress report is not proper because of a discrepancy between what was reported in the first quarter (on 10/13/2023), and what that line states on the most recent report (3/8/2024). (A change from a 40% accuracy on a writing goal to 60% accuracy.). However, the possible discrepancy is not verified by the record. A review of the student's progress report shows no 60% recorded anywhere, in any section, of the student's report. While inaccurate reporting may be a concern when, and if, it occurs, in this case, it is neither substantiated by the record nor is it relevant to the issue of whether the progress report was properly and timely provided to the parent.

Finally, the father claims the student is not making progress toward goals based on observations in the home setting. A review of the 3rd Quarter Progress report shows the student's goals and progress as follows:

Writing –

Goal: By April 2024, when writing [the student] will use encoding skills by saying the word, tap the word phenome by phenome to accurately spell the word on 4/5 opportunities with 80% accuracy. As of 3/8/2024, the student was scoring at 90% accuracy.

Goal: By April 2024, following a reading passage at [the student's] instructional level, [the student] will write a five-part retell providing (who/what/when/where/why) providing accurate information with 80% accuracy for 4/5 data points. As of 3/8/2024, the student was scoring at 94% accuracy.

Reading –

Goal: By April 2024, when given a list of words with closed syllable consonant combinations, silent E and open syllable, soft c, g, s, tch, vowel team syllables, and vowel R syllables [the student] will read the words on 4/5 opportunities with 95% accuracy. As of 3/8/2024, the student was scoring at 93% accuracy.

Language –

Goal: By April 2024, during speech-language therapy tasks, [the student] will follow three-step commands with at least 1 modifier (spatial or temporal) in 80% of opportunities without repetition in 2 out of 3 data collection days. As of 3/8/2024, the student was scoring at an average of 70% of opportunities.

Goal: By April 2024, [the student] will listen to a third-grade level short story and will answer "what happened" and "when" questions with 80% accuracy when given a visual cue for 2 out of 3 data days. As of 3/8/2024, the student was scoring at an average of 80% accuracy.

Goal: by April 2024, with a visual cue, the student will listen to a third-grade level short story and will retell the story in sequential order with grammatically correct sentences using nine story grammar elements (character, setting, problem, feeling, plan, attempt to solve, consequence, ending, and ending feeling) with 80% accuracy for 2 out of 3 data days. As of 3/8/2024, the student was scoring at an average of 77% accuracy.

The record shows the student is making significant progress in all goal areas. It's worth noting that while concerns related to a student's progress are appropriate for a parent to discuss with the IEP team, (and in this case, as noted under issue one, did occur), here, the parent's perceived lack of student progress is neither substantiated by the record, nor relevant to whether the district properly and timely provided the parent with progress reports.

Therefore, based on the above, it is found that the district did properly and timely provide the parent with the student's 3rd Quarter progress report.

Conclusion

Based on the foregoing, a violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), for failing to properly or timely provide the parent with Progress reports for the third quarter of the school year *is not substantiated*.

Summary of Conclusions/Corrective Action

1. **ISSUE ONE**: Whether USD #229, violated state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), by failing to provide the parent with meaningful participation during an IEP Team meeting held on October 26, 2023, is not substantiated.
 - a. No corrective action is required.
2. **ISSUE TWO**: Whether USD #229, violated state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), by failing to provide the parent with a Notice of Meeting before the IEP Team meeting held on October 26, 2023, is not substantiated.
 - a. No corrective action is required.
3. **ISSUE THREE**: Whether USD #229, violated state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), by failing to properly or timely provide the parent with Progress reports for the third quarter of the school year is not substantiated.
 - a. No corrective action is required.

Investigator

Ashley Niedzwiecki

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.org 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)