

KANSAS STATE DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND TITLE SERVICES

REPORT OF COMPLAINT
FILED AGAINST
UNIFIED SCHOOL DISTRICT #207
ON APRIL 4, 2024

DATE OF REPORT MAY 6, 2024

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

The complaint is against USD #207 Ft. Leavenworth Public Schools. In the remainder of the report, USD 207 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 April 4, 2024 and the 30-day timeline ends on May 6, 2024.

Evidence Reviewed

Gwen Beegle, Complaint Investigator, interviewed the parent by telephone on April 9, 2024, April 17, 2024 and April 30, 2024. Additional interviews included: USD # 250 Director of Special Education, Diana Greer on April 9, 2024 and Julia Kauffman on April 29 and April 30, 2024. The Complaint Investigator also received emails from the parent and USD # 207 personnel between April 17, 2024 and May 1, 2024.

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

Documents, emails, and district response

1. The student’s IEP dated November 1, 2022
2. Communication log with entries from August 2023 to January 2024
3. Notice of Meeting dated October 6, 2023 for a meeting on October 12, 2023 with parents’ signatures dated October 10, 2023 and October 12, 2023 waiving 10 day notice

4. Excusal from IEP meeting for Vision teacher dated October 12, 2023 with parents' signatures giving consent on the same date
5. Excusal from IEP meeting for Speech Language Pathologist (SLP) dated October 12, 2023 with parents' signatures giving consent on the same date
6. Excusal from IEP meeting for paraprofessional Registered Behavior Technician dated October 12, 2023 with parents' signatures giving consent on the same date
7. Student's IEP Interim and Team Discussion dated October 12, 2023 with parent signature acknowledging receipt of parent rights and signatures of attendees
8. Prior Written Notice on special education services, placement, and changes to the IEP dated October 12, 2023 for a meeting of the same date with parental signature giving consent on October 12, 2023
9. Staffing notes dated October 12, 2023
10. Prior Written Notice on changes to the IEP with attached Health Care/Crisis Plan dated October 23, 2023 with parent signature giving consent dated October 25, 2023
11. Progress Monitoring for the student's IEP, with entries dated December 15, 2022; March 10, 2023; May 18, 2023; October 18, 2023 and December 14, 2023.
12. Communication Log for the student with entries dated January 30, 2024 - April 1, 2024
13. Service logs: Adaptive PE, Anderson Consultation, Lanciault-SLP, DeFoe, Gibson, Burns - SLP, Vision, Kuhl, Martin, Parton, Instructional Coaching, Phelps, Occupational Therapist (OT)
14. Email exchange between the parent and Donna Greer (Special Education Director), Kathi Martin (Structured Learning Teacher), Tyler Fowler (Middle School Principal), Keith Mispagel (Superintendent of Schools) and the father beginning on January 10, 2024 at 6:40 p.m. and ending on January 17, 2024 at 8:02 a.m.
15. Email exchange between the parent and Tyler Fowler and Keith Mispagel beginning on February 1, 2024 at 3:53 p.m. and ending on February 1, 2024 at 4:10 p.m.
16. Email exchange between the parent and Julia Kaufman (Instructional Coach) beginning on January 31, 2024 at 9:30 p.m. and ending on February 1, 2024 at 9:06 a.m.
17. Draft IEP dated February 6, 2024
18. The student's IEP, dated February 6, 2024 and March 5, 2024 to be initiated on March 21, 2024, including the Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP).
19. Prior Written Notice for services, placement, and changes to the IEP dated March 5, 2024 and unsigned by the parents
20. Prior Written Notice for other changes to the IEP dated April 8, 2024 with the parent signature giving consent on the same date
21. The student's IEP Amendment dated April 8, 2024
22. The student's 2023-24 attendance log, undated
23. The district's response to the complaint, received April 23, 2024

Staff Qualifications

24. List of paraeducators and tier levels, undated
25. Credentials of RBT: Paras
26. Jeremiah Miller supervision log, January through May 2024
27. Gwen Blacketer supervision log, January through May 2024
28. Health Occupations Credentialing Verification of License, Speech Language Pathologist for Peggy Sue Burns, November 3, 2006 through October 31, 2024
29. Professional License for Julie Marston, Elementary Education and Visually Impaired, August 8, 2022 through February 9, 2028
30. Health Occupations Credentialing Verification of License, Speech Language Pathologist for Catherine Lanciault, August 21, 2023 through October 31, 2024
31. Kansas State Board of Healing Arts licensee and registrant search, Occupational Therapist, Tiffany Stark, February 25, 2024 through March 31, 2025.
32. Board Certified Behavior Analyst Certification (BCBA) for Claire Foster, 2018-2024
33. Board Certified Behavior Analyst Certification (BCBA) for Brittany Mitchelson, 2013-2024
34. Kansas State Board of Education Professional License for Barbara Anderson, Early Childhood Education EC-3 and Early Childhood Handicapped, 2021-2026.
35. Kansas State Board of Education Professional License for Nancy Boatright, Elementary K-9, Intellectual Disability Adaptive K-12, and Intellectual Disability Functional K-12, 2021-2026
36. Kansas State Board of Education Emergency Substitute License for Ann Marie Defore, 2023-25
37. Kansas State Board of Education Professional License for Theresa Gibson, English Language Arts 6-12, 2023-2028
38. Kansas State Board of Education Professional License for Julia Kauffman, Early - Late Childhood Generalist K-6 and High Incidence Special Education K-6, 2021-2026
39. Kansas State Board of Education Professional License for Kathi Martin, Adaptive Special Education K-6 and 6-12, Early - Late Childhood Generalist K-6, and Low Incidence Special Education K-12, 2023-2028.
40. Missouri Department of Elementary and Secondary Education Educator Credentials for Kathi Martin
41. Mandt Certifications through 2024 for Jennifer Allen, Melissa Baker, Gwendolyn Blacketer, Ann DeFore, Stephanie Garcia, Amanda Kuhl, Kathi Martin, Jay Miller, Donell Phelps, Samantha Stiles, and Michelle Thornton

Background Information

The student attended middle school in the district as a 6th grade student with other health impairments in special education or with special education support for the entirety of her school day. The student had a health plan due to a seizure disorder, food allergies, vagal nerve

stimulation, and optic nerve hypoplasia, which caused blindness in her left eye and vision impairment in her right eye. The student's IEP dated March 21, 2024 stated that deficits in social and cognitive skills required the use of continual special education support throughout the day. Her vision impairment required the use of accommodations during the school day, and her behavior challenges which included refusing to work required the completion of an FBA and initiation of a BIP in March, 2024. The IEP included goals in communication, math, occupational therapy/motor, reading, sensory/behavior, writing, and social emotional/behavior domains; and her special education and adaptive services included core special education in a special education setting, special education support in general education settings such as specials and lunch, adapted physical education, direct and indirect speech language services, indirect vision services, and occupational therapy.

Issues Investigated

1. **ISSUE ONE:** The USD #207 in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), failed to implement the student's IEP, specifically by providing special education instructional services in the core structured learning classroom for the duration of time specified in the IEP during the 2023-24 school year
2. **ISSUE TWO:** The USD #207 in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), failed to provide appropriately qualified staff to meet the unique needs of the student during the 2023-24 school year

Issue One

The USD #207 in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), failed to implement the student's IEP, specifically by providing special education instructional services in the core structured learning classroom for the duration of time specified in the IEP during the 2023-24 school year

Applicable Law

Federal/State statutes and regulations at 34 CFR 300.39 defines special education as specially designed instruction at no cost to the parent to meet the unique needs of a child with a disability. Further 34 CFR 300.320(a)(4) requires that the IEP 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: (i) To advance appropriately toward attaining the annual goals; (ii) To be involved in and make progress in the general education curriculum. . . and to participate in extracurricular and other nonacademic activities; and (iii) To be educated and participate with other children with disabilities and nondisabled children."

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

The parent alleged that, due to the abrupt departure of the student's special education teacher in the fall of 2023, the student's special education services, specifically the 315 minutes per day of special education in a special education setting, were not provided. The parent alleged that the district had documented times when the student had completed her work on the IEP objectives early in the day and subsequently allowed the student to watch television for the remainder of the school day. The parent attributed this failure to provide specially designed instruction to a lack of qualified personnel in the classroom who knew how to provide a full school day of instruction. The parent alleged that the school sent only a few pages of school work (coloring) home with the student during the fall semester as evidence of the student's instruction.

The district responded that the student's services had been provided despite the changes in personnel in the structured learning classroom. The district responded that the teacher's health leave had been extended during the fall of 2023 and then the teacher retired, requiring the district to provide two emergency substitutes for the student's classroom. The district responded that it had provided extensive instructional coaching support to all the teachers who served in the classroom and additional paraprofessional supervision and support by an instructional coach and other teachers. The district responded that the middle school used more computer apps for student work rather than paper and pencil tasks typical in the student's elementary school placement last year.

The district reported and provided documentation that two substitutes had been placed in the student's classroom, first a regular substitute, then an emergency substitute. The district reported and provided documentation that the district's instructional coach provided in classroom support to both substitutes and to the teacher before her retirement. According to the instructional coach and supported by the coaching services log, the in-classroom support occurred from 2 to 4 hours a week with structured coaching sessions that included lesson planning, observation, instructional modeling, supervision of paras, support/training of the substitutes to effectively supervise paras, in addition to additional time providing general support the classroom, at least 3 days per week and at times more often. The district reported and provided documentation that two additional teachers provided supportive coaching or instruction in the structured learning classroom this year.

The student's IEP dated November 1, 2022 showed the following services: indirect adaptive physical education, attendant care during recess and lunch (60 minutes), specials (special education in a general education classroom - 50 minutes), occupational therapy (pull out 20

minutes three times per week), speech language therapy (pull out 20 minutes two times per week and indirect services), indirect vision services, and core instruction in a special education classroom for 315 minutes 5 days a week. It included a health plan and two IEP goals in communication, two in math, one in motor, two in reading, two in sensory/behavior, one in social emotional/behavior, and one in written language. The IEP included several accommodations, including the repetition of directions, breaking work into chunks, preferential seating, reteaching, verbal reminders, monitoring for seizure activity, extra time, frequent positive feedback, token board, presentation of visual material to the right side, talk to text, scribe, visual schedule, and a bright strip to the left of the desk.

On October 12, 2023 the district provided Prior Written Notice (PWN) to the parent to create an interim IEP to extend the current IEP while a Board Certified Behavior Analyst (BCBA) conducted a Functional Behavior Assessment (FBA), to which the parent's gave consent on the same date. The student's interim IEP did not change the student's services or goals but extended the timeline for the IEP to February 16, 2024. Progress reports during this period showed some progress on goals other than the OT, sensory/behavior and social emotional/behavioral goals, leading to the initiation of an FBA.

The IEP team met on February 6, 2024 and on March 5, 2024 to develop a proposed IEP dated March 5, 2024, to go into effect on March 21, 2024. This IEP included the student's FBA and Behavior Intervention Plan (BIP). According to a PWN dated April 8, 2024, an amendment to the IEP added, at the parent's request, two additional observations to the FBA to better characterize the student's needs. The parent signed giving consent on the same date.

The parent reported that one of the draft IEPs stated that Zari had completed her work for the day. Upon examination of the IEP resulting from meetings on February 06 and March 5, 2024 (to go into effect on March 21, 2024), the investigator found this statement, referring to an observation for the student's FBA conducted on December 6, 2023 between 11:00 am to 1:00 p.m.: "[Para D] told [another staff] that Zari had finished all of her work for the day and that she had been asking for coloring, so he brought markers and coloring sheets" (p. 6 of 10, FBA section). When asked to explain this statement, the district reported that it referred to the period of time of the observation from 11:00 am to 1:00 p.m., over a lunch period, and that this was not typical of the student's instructional day. The district provided a copy of the student's schedule in place from August, 2023 to January 2024 which included 3 minute passing periods between the following academic subject periods: ELA (47 minutes), Intervention (30 minutes) Life Skills (47 minutes), Math (47 minutes), Social Studies (17 minutes and 75 minutes broken by the lunch period), Science/Math (47 minutes), specials, and advisory (29 minutes) for a total of 339 minutes, excluding lunch (30 minutes), passing periods and specials (47 minutes).

The student's FBA included in the March 21, 2024 IEP and April 8, 2024 amendment showed a chart of work completion and protests to work during the months of October, 2023 through

January, 2024. The FBA noted that the classroom staff had changed during the data collection period and the analyst stated that the change had not affected work completion, except briefly in a positive direction.

The instructional coach reported that the student's behavioral program included a token economy which allowed the student to ask for breaks, and that the student's work pace is characterized by about 15 minutes of work on a non-preferred task (more on a preferred task or instructional format) followed by a 3 to 5 minute break, excluding transitions and interruptions caused by any behavioral challenges.

The parent provided a copy of the home school communication log in place during the fall semester. Unlike the more detailed communication log put into place in January, 2024 at the parent's request, this log provided general comments on the student's activities during the day and the exchange of materials between home and school. The parent also provided a copy of coloring pages sent home as student work during the fall semester. When asked about the lack of academic work sent to the parent during the fall semester, the district reported that this resulted from a change from the elementary style of paper and pencil activities to the middle school's interactive and computer-based activities that produced fewer products. The district reported that coloring is a preferred activity and used as part of instructional activities when possible.

The home school communication log put into place in January, 2024 shows specific IEP related instruction occurring throughout the student's school day. No incidences of early dismissals other than the typical school schedule were found in either version of the communication log.

The district provided service logs that showed that the student's direct and indirect speech language therapy, indirect vision and direct occupational therapy services were provided during the 2023-2024 school year to date.

Conclusion

In this case, the parent was concerned that the student was not receiving a complete school day of instruction, specifically the 315 minutes occurring in the district's structured learning classroom. There is no evidence that the FBA observation of finishing work early on December 6, 2023 extended beyond the period observed or characterized the student's academic program as completing early each day. The district provided a student schedule showing the student's activities during the school day. The communication log provided to the parent during the fall 2023 does not provide enough information to conclude that the district failed to provide the instructional services required by the student's IEP in the structured learning classroom. Therefore, it is found that no violation of 34 C.F.R. 300.323(c)(2) can be documented in regard to the 315 minutes of special education in a special education setting.

Based on the foregoing, it is not substantiated that USD # 207 failed to implement the student's IEP, specifically by providing special education instructional services in the core

structured learning classroom for the duration of time specified in the IEP during the 2023-24 school year.

Issue Two

The USD #207 in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), failed to provide appropriately qualified staff to meet the unique needs of the student during the 2023-24 school year

Applicable Law

Federal regulations at 34 C.F.R. 300.156(a) require public agencies to ensure that children with disabilities are provided special education and related services by appropriately and adequately prepared and trained personnel who have the content knowledge and skills to serve children with disabilities.

Federal regulations at 34 C.F.R. 300.156(c) require that each special education teacher providing special education services has obtained full State certification as a special education teacher (including certification obtained through an alternate route to certification as a special educator), or passed the State special education teacher licensing examination, and holds a license to teach in the State as a special education teacher, and holds at least a bachelor's degree.

Kansas regulations at K.A.R. 91-31-34 (b) (2-5) allow for the use of qualified substitute teachers based on their availability. If a teacher with an appropriate license or certificate is not available, the education system shall use a substitute teacher holding a valid Kansas teacher license or certificate in any field or subject. If a substitute teacher holding a valid Kansas teacher license or certificate is not available, the education system shall use a substitute teacher holding a valid Kansas substitute teaching license or certificate. If a substitute teacher holding a valid Kansas substitute teaching license is not available, the education system shall use a person who holds a baccalaureate degree and an emergency substitute teaching license or certificate. If a person holding a baccalaureate degree and an emergency substitute teaching license is not available, the education system shall use a person who has been licensed or certified by the state board as an emergency substitute teacher.

In addition, in Kansas there is a tiered paraprofessional training requirement that describes the number of hours of professional development that must be provided to persons employed as paraprofessionals based on the number of years of experience working as a paraprofessional. Paraprofessionals with three or fewer years of experience must have a minimum of 20 hours annually while paraprofessionals with more than three years of experience must have 10 hours of professional development annually.

Analysis: Findings of Fact

The parent alleged that she was not notified of the teacher changes occurring in the structured learning classroom, including the teacher's sick leave and subsequent retirement. The parent alleged that there had only been a special education teacher for one or two months during the school year. The parent alleged that the classroom's special education support from the instructional coach is not the same as the special education instructional services listed in the IEP. The parent questioned the qualifications of the various paraeducators in the classroom, noting the frequent changes in services provided by paraeducators rather than the one to one paraprofessional assigned in prior years.

The district responded that the teacher who had been on medical leave at the beginning of the school year informed a parent of her impending resignation around January 12, 2024, before the district received her formal resignation. The district responded that, as soon as the teacher's resignation was received, the district posted the position on January 29, 2024. The district responded that the state allows for the use of emergency substitutes in this situation. The district responded that qualified teachers and substitutes staffed the structured learning classroom.

The district reported and provided documentation that two substitute teachers had been placed in the student's classroom during the medical leave and following the resignation of the assigned classroom teacher.

The district reported the following: The teacher, K. Martin, had been on medical leave at the beginning of the school year, and T. Gibson was assigned as a substitute in the classroom from August 15, 2023 to October 12, 2023 during the medical leave. K. Martin returned to the classroom from October 16, 2023 to December 4, 2023. A. DeFore provided support to K. Martin for two days during this period. After December 4, 2023, A. DeFore served as an emergency substitute; T. Gibson provided support in the classroom with A. DeFore for 5 days.

The district reported that, in addition to an instructional coach (J. Kaufman), additional qualified teachers provided support to the classroom. B. Anderson provided assistance in lesson planning, implementing group social lessons, modeling lessons, observing and providing feedback, supporting data collection and progress monitoring for 4 hours per week beginning in January, 2024 through April, 2024 (service log). The district reported that N. Boatright provided direct instruction to the student two days a week, beginning April 19, 2024.

Teacher	Category	Qualifications
K. Martin.	Teacher	Professional License: Adaptive Special Education K-6 and 6-12, Early-Late Childhood Generalist K-6, Low Incidence Special Education PreK-12
T. Gibson	Substitute	Professional License: English Language Arts 6-12
A. DeFore	Substitute	Emergency Substitute License
J. Kaufman	Instructional Coach	Professional License: Early-Late Childhood Generalist K-6, High Incidence Special Education K-6
B. Anderson	Classroom Support	Professional License: Early Childhood, Early Childhood Handicapped
N. Boatright	Elementary Teacher and Middle School Classroom Support	Professional License: Elementary, Intellectual Disability Adapted Intellectual Disability Functional

When asked about A. DeFore’s further qualifications, the district provided documentation of her B.S. in Elementary Education and prior experience as a paraeducator, substitute and full-time teacher in other states. The district reported that her prior experience in other special education classrooms in the district had been positive, including direct observation by the instructional coach.

The district reported and provided documentation that the district’s instructional coach provided in classroom support to both substitutes and to the teacher before her retirement. According to the instructional coach and supported by the coaching services log, the in-classroom support occurred from 2 to 4 hours a week with structured coaching sessions that included lesson planning, observation, instructional modeling, supervision of paras, support/training of the substitutes to effectively supervise paras, in addition to additional time providing general support the classroom, at least 3 days per week and at times more often.

According to the district, 10 paraprofessionals worked with the student. Of these, two (Baker and Kuhl) were Tier 2 Paraprofessionals and the remainder (Allen, Blacketer, Garcia, Miller, Parton, Phelps, Stiles and Thornton) were Tier 1 Paraprofessionals. Three (Parton, Blacketer and Miller) were Registered Behavioral Technicians (RBTs). The district reported that the paraprofessionals’ “education and experience that meets (or exceeds) the minimum requirements for paraeducators established by KSDE. They are all high school graduates and have completed orientation sessions addressing confidentiality, the services to be provided, and the district’s policies and procedures concerning special education. They have also participated in other trainings that assist them with their job duties.” The district provided resumes, supervision logs, or training records for the paraprofessionals.

The following staff persons have current certificates in Mandt Training: Allen, Baker, Blacketer, DeFore, Garcia, Kuhl, Martin, Miller, Phelps, Stiles, Thornton.

The district reported that although “one to one” paraprofessionals are not assigned to allow for the possibility of small group instruction in the classroom, there is a person trained in the student’s BIP and health plan with the student at all times of the day.

The district provided evidence of licensure for the following persons who provided related services or consultative services in the student’s IEP:

Provider	Qualification
C. Foster	Board Certified Behavior Analyst
B. Mitchelson	Board Certified Behavior Analyst
P. Burns	Speech Language Pathologist License
C. Lanciault	Speech Language Pathologist License
J. Marston	Professional License: Visually Impaired PreK-12, Elem. Education
T. Stark	Occupational Therapist
C. Turner	Professional License: Physical Education PreK-12

Conclusion

In this case, the parent was concerned that the resignation of the structured learning classroom teacher led to the staffing of the classroom with unqualified educators during the 2023-24 school year. In this instance, the district has used substitutes as permitted by the Kansas regulations while seeking a fully qualified licensed educator. The district has additionally added supportive coaching and in classroom modeling by qualified educators during the school year to improve the skills of the substitutes. The paraeducators meet the standards of the state and are being provided training as required by the Kansas regulations.

Based on the foregoing, *it is not substantiated* that USD #207 in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), failed to provide appropriately qualified staff to meet the unique needs of the student during the 2023-24 school year

Summary of Conclusions/Corrective Action

1. **ISSUE ONE:** A violation of 34 C.F.R. 300.323(c)(2) was not found, based on the facts listed above. . Corrective action is not required.
2. **ISSUE TWO:** A violation of 34 C.F.R. 300.156(a) and (c) was not found, based on facts listed above. Corrective action is not required.

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)