

KANSAS STATE DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND TITLE SERVICES
REPORT OF COMPLAINT
FILED AGAINST
UNIFIED SCHOOL DISTRICT #500, KANSAS CITY KANSAS PUBLIC SCHOOLS
ON MAY 10, 2024
DATE OF REPORT JUNE 17, 2024

This report is in response to a complaint filed with the Kansas State Department of Education against USD #500 Kansas City Kansas Public Schools on behalf of ----- by his mother ----- . In the remainder of the report, ----- will be referred to as "the student." ----- is the student's mother and in the remainder of the report she will be referred to as "the complainant," "the parent," or as "the mother."

The complaint is against USD #500, Kansas City Kansas Public Schools. It is noted that Wyandotte Special Education Cooperative provides special education services for USD #500, Kansas City Kansas Public Schools. In the remainder of the report, USD #500 and Wyandotte Special Education Cooperative will be referred to as "the district." The student attends J.C. Harmon High School and in the remainder of the report this high school will be referred to as 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 May 10, 2024 and the 30-day timeline ends on June 10, 2024. Subsequently, the Complaint Investigators requested and were granted a one week extension to clarify documentation so that the timeline was extended to June 17, 2024.

Evidence Reviewed

During the investigation, the Complaint Investigators Gwen Beegle and Lori Noto reviewed all evidence and documentation, which was provided by both the District and the Parent. The Investigators contacted the District and Parent by phone and email to clarify evidence. The Investigators spoke with the Mother by phone on May 16, 2024 and June 11, 2024 and then by email on May 16, 2024 and June 5, 2024 to clarify specific points. The Investigators spoke with the District by phone and email to clarify evidence numerous times and a phone interview was conducted with Wesley Rush, Special Education Coordinator on June 4, 2024 and June 10, 2024.

Some documentation was dated before May 10, 2023, exceeding the 12-month timeline for the investigation. While it was read by the Investigators for understanding and context it was

not considered in the investigative findings. The following documentation and information were used in consideration of the issues:

1. Evaluation/Eligibility Report dated March 9, 2023.
2. IEP dated March 9, 2023.
3. Meeting Summary dated March 9, 2023.
4. Prior Written Notice dated March 9, 2023, parental consent signed March 9, 2023.
5. IEP dated February 27, 2024.
6. Prior Written Notice dated February 27, 2024, consent provided April 9, 2024.
7. Contact Log dated February 29, 2024 at 8:00 a.m. to Mother by Special Education Coordinator.
8. Email exchange between Parent and SLC Teacher dated April 2, 2024 between 10:53 a.m. and 1:05 p.m.
9. Email exchange between Parent and Special Education Coordinator dated April 4, 2024 between 8:01 a.m. and 8:02 a.m.
10. Meeting Summary dated April 9, 2024.
11. Email exchange between Parent and SLC Teacher dated April 9, 2024 between 10:53 a.m. and 1:05 p.m.
12. Email from Mother to Director of Special Education dated May 6, 2024 at 9:18 a.m.
13. Interview with Parent dated May 16, 2024.
14. Contact Log dated May 21, 2024 at 9:23 a.m. to Mother by Special Education Coordinator.
15. Screen shot of text message between Parent and Special Education Coordinator dated May 21, 2024 at 8:07 a.m.
16. IEP amendment dated May 21, 2024, Parent signed May 22, 2024.
17. Prior Written Notice dated May 21, 2024, Parent consent signed May 22, 2024.
18. District Response, dated May 24, 2024.
19. Interview with Special Education Coordinator, dated June 4, 2024.
20. Email exchange between Investigators and Parent, dated June 5, 2024 between 1:19 p.m. and 3:12 p.m.
21. Progress Notes Quarter 4 of the 2023-2024 school year.
22. Student schedule for the 2023-2024 school year.

Background Information

The Student is a fifteen-year-old tenth grader at a district high school. He is eligible for special education and related services under the category of specific learning disability. He has been enrolled in the district since preschool. His initial exceptionality was developmental delay in the area of communication. When he was in kindergarten it was determined that he was no longer eligible for special education services. In third grade, his Mother requested an evaluation due

to concerns with academics and communication and he was found eligible for services under the learning disabilities exceptionality in the areas of reading comprehension, oral expression and listening comprehension. He received a re-evaluation on March 9, 2023 and continues to qualify for services under specific learning disability.

The Student receives special education services for reading and writing in the regular education classroom.

Issues Investigated

ISSUE ONE: The USD # 500 in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), failed to provide prior written notice and to ensure parental consent when a material change of services or substantial change of placement (25% or more) was made to the student's IEP.

ISSUE TWO: The USD # 500 in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA) failed to demonstrate adequate progress.

ISSUE THREE: The USD # 500 in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA) failed to provide parental participation in the development of the IEP, specifically the goals and services.

ISSUE FOUR: The USD #500, in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA) failed to ensure that the educators providing services to the student have the appropriate qualifications.

Issue One

The USD # 500 in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), failed to provide prior written notice and to ensure parental consent when a material change of services or substantial change of placement (25% or more) was made to the student's IEP.

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, or educational placement of the child or the provision of FAPE (free appropriate public education) to a child who has or is suspected of having a disability.

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.

Analysis: Findings of Fact

The Parent alleged that the District substantially reduced the Student's service minutes in the February 27, 2024 IEP from the previous IEP.

The District responded that the Student's minutes were not substantially reduced, but instead in the previous IEP, dated March 9, 2023 the reading and writing service minutes were combined. The February 27, 2024 IEP proposed separating the reading and writing service minutes, but the same amount of service would still be provided. The Parent did not agree with this change, so the district continued to provide the service minutes as written in the March 9, 2023 IEP. During the April 9, 2024 IEP meeting the IEP team discussed service minutes further and the Parent signed consent to implement the February 27, 2024 IEP service minutes.

While the District was composing their response to the complaint the District discovered that the Teacher accidentally reduced the number of service days from four days to two days of service a week to reflect the block scheduling. They proposed that this may have prompted the parent's allegation that the student's services were reduced. Upon discovering the reduction in service days, the Special Education Coordinator contacted the Parent to make the corrections through an IEP amendment.

The IEP dated March 9, 2023 documented special education services for reading and writing as 60 minutes four days a week (240 minutes weekly).

The IEP dated February 27, 2024 documented special education services for reading comprehension and fluency for 30 minutes two days a week (60 minutes weekly) and special education services for written expression for 30 minutes two days a week (60 minutes weekly) for a total of 120 minutes weekly.

The February 27, 2024 Prior Written Notice documented a material change in services (a decrease or increase of 25% or more of the duration or frequency of a special education service, a related service, or a supplementary aid or a service specified on your child's IEP.) The Description of the Action Proposed or Refused stated, "For the remainder of this IEP, [Student] will receive special education services for 30 minutes, 2 days a week for reading comprehension and fluency and 30 minutes, 2 days a week for written expression."

The District's Contact log recorded a phone call between the Parent and Special Education Coordinator on February 29, 2024 at 8:00 where the Special Educator Coordinator recorded, "This morning, I spoke with [Parent] to address her concerns from the recent IEP meeting. [Parent] expressed worries about [Student] receiving adequate support in his history class. I explained the differences in how services are provided at the high school level compared to elementary school, including various supports offered through accommodations and modifications. [Parent] mentioned that she would like to review everything and get back to me. I offered to visit [her employment location] to go over [Student's] IEP with her and explain his services in more detail, but she indicated that this would not be necessary at this time."

A series of email exchanges between the Parent and SLC Teacher on April 2, 2024 and between the Parent and Special Education Director on April 4, 2024 document the Mother reaching out to the district to further discuss the Student's IEP since she did not sign consent for a reduction of service minutes.

During the June 4, 2024 interview with the Special Education Coordinator it was related that the Mother remains concerned about support in the history class for reading and writing. The school does not offer collaborative teaching in history or science only in English and math classes. To address the Mother's concern the Special Education Coordinator offered that academic support for history could be met with a paraprofessional, however the Special Education Coordinator stated the Mother did not want this. The Special Education Coordinator also offered to provide direct reading instructional support during a class period other than English, but the Mother did not want the Student to miss other academic opportunities or electives, so she refused this offer as well. These discussions were not reported in the minutes or a Prior Written Notice.

The Parent reported she signed the February 27, 2024 PWN at the conclusion of the April 9, 2024 IEP meeting after the team discussed her concerns.

During the June 10, 2024 interview with the Special Education Coordinator it was clarified that the Student's block schedule includes ELA two days a week for 90 minutes and the Student attends other subject areas on the other days of the week, so special education service minutes are not delivered four days every week. The Special Education Coordinator explained however, that the collaborative teacher is in the ELA class for the full 90 minutes and the Student is likely receiving the total minutes, just not as written into the IEP. He stated that it was the case manager's intent to change the February 27, 2024 IEP to reflect that the student only attends ELA two days a week, but to keep the service minutes at 240 minutes weekly.

The IEP Amendment dated May 21, 2024 increases the Student's service minutes from 30 minutes two days a week to 30 minutes four days a week for each, reading comprehension and fluency written expression. The Parent signed consent for the IEP amendment on May 22, 2024.

The Prior Written Notice dated May 21, 2024 proposed a material change in services. The explanation was to provide additional support for the Student's reading comprehension, reading fluency, and written expression as discussed and agreed upon during recent conversations. Parental consent was provided on May 22, 2024.

Conclusion

It is determined that the District provided 180 minutes of service to the Student from the start of the school year through April 9, 2024 when the parent signed consent for the February 27, 2024 IEP reduction to 120 service minutes weekly. The amount of 180 minutes of service was

determined based on the interviews that stated that the student received the services during the 2 weekly ELA blocks of 90 minutes.

It is further found that the District proposed a material change in services with the February 27, 2024 whether through a clerical error or an attempt to match services to the block scheduling. It is noted that the District immediately amended the IEP when the error in total service minutes was discovered, but the IEP minute frequency is still not able to be implemented as written if the student is to only receive the service minutes during ELA.

Based on the foregoing, *it is substantiated* that USD # 500 in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), failed to provide prior written notice and to ensure parental consent when a material change of services or substantial change of placement (25% or more) was made to the student's IEP.

Issue Two

The USD # 500 in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA) failed to demonstrate adequate progress.

Applicable Law

Federal regulations at 34 C.F.R. §300.324(b)(1)(ii)(A) and Kansas Statutes at K.S.A. §72-3429(f)(2)(A) require that each agency shall ensure that the IEP team meets to revise the IEP, as appropriate, to address any lack of expected progress toward the annual goals and in the general education curriculum. In addition, federal regulations, 34 C.F.R. 300.17 and 300.39, require the district to provide children with disabilities with a free appropriate public education (FAPE). The United States Supreme Court has ruled that the standard for FAPE requires an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances, and not whether a court regards it as ideal (*Endrew F. v. Douglas County School District*, 137 S.Ct. 988 (2017)). This is, of course, a very subjective standard, based on the unique abilities and challenges of each individual child. The court provided some clarity, saying that the goals for these students may differ, but "every child should have the chance to meet challenging objectives."

Analysis: Findings of Fact

The parent alleged that there is a lack of progress in her child's goals. The goals for the upcoming year are the same or similar to the prior year with the exception of rewording and lowering scores.

The district responded that based on the review of the goals and progress reporting periods on benchmarks for the goal, grades, and overall performance that the student has been making adequate progress in the general education curriculum in his least restrictive environment. During Quarters 1-3 of the 2023-2024 school year, the student was working on

four goals. He was making progress during some of the quarterly progress reporting periods on the benchmarks. He met one benchmark goal and did not make progress on some benchmarks, but the team continued to work on those goals. After the February 2024 IEP meeting the team reviewed progress and developed three goals which were implemented during Quarter 4. The Progress Report for Quarter 4 demonstrated progress for all goals.

The Present Levels of Academic Achievement and Functional Performance section of the February 27, 2024 IEP reports:

Based on the latest Fastbridge tests, [Student] is reading at the Lexile score of 820L. This is approximately the 5th-7th grade level. When reading instructional level text orally, [Student] reads at approximately 100 wpm at 96% accuracy. He does catch his errors and is able to self-correct most of the time. He gets nervous when asked to read and his reading sounds choppy. He occasionally substitutes small words for other words without changing the meaning of the text. He also reads the wrong tense of words at times. For instance, he will read "suggest" instead of "suggested." Written Expression [Student] can convey his ideas clearly while writing, although he does benefit with the use of graphic organizers. When writing narratives, he writes with great creativity. [Student] can make a claim and cite supporting evidence. Initially, he makes numerous grammatical and capitalization errors. For his first draft, he makes approximately one grammatical error per sentence. His most common errors are missing commas. With revisions, [Student] can write a multi-paragraph text with minimal grammar errors.

The April 9, 2024 IEP meeting minutes recorded the following:

- Mom stated that she gave [Student] a reading test and realized that he has gaps in reading/phonics, especially when reading nonsense words.
- The [Student's ELA teacher] stated that [Student] does well in her ELA class and that she has not noticed that he struggles with reading or writing. He currently has an A in the class.
- [Special Education Coordinator] stated that the high school model is different than elementary school. We do not offer reading classes but can offer academic support class. Mom declined that offer as she does not want him to miss out on another elective.
- [Special Education Coordinator] also stated that his grades do not suggest that he needs additional minutes. We can offer additional accommodations. Mom wants him to improve his reading so that he can be more independent. She wants him to be successful in college and he needs to be able to do his work independently.

The Student's progress on goals during the 2023-2024 school year are displayed below:

March 9, 2023 IEP	Quarterly Progress	February 27, 2024 IEP	Quarterly Progress
<p>By March 8, 2024, given an independent level informational text, [Student] will correctly answer reading comprehension questions to improve his Lexile score to 950.</p>	<p>Quarter 1 of the 2023-2024 school year – exceeded goal at 990 from end of year score of 665 - rated as Making Progress to Annual Goal.</p> <p>Quarter 2 of the 2023-2024 school year dropped from 990 to 925 rated as Making Progress to Annual Goal.</p> <p>Quarter 3 of the 2023-2024 school year dropped from 925 to 820 rated as Not Making Progress to Annual Goal.</p>	<p>By February 26, 2025, given a literary text written at the Lexile level of 900-925 and 5 comprehension questions about the text, [Student] will answer the reading comprehension questions with 80% accuracy, on 2 out of 3 reading assessments.</p>	<p>Quarter 4 of the 2023-2024 school year - no score reported but rated as Making Progress to Annual Goal.</p>
<p>By March 8, 2024, when asked to read a familiar instructional level literary or informational text for 1 minute, [Student] will read the text aloud at a rate of between 146-169 WCPM (words correct per minute) with 95% accuracy, on 3 out of 4 progress monitoring assessments.</p>	<p>Quarter 1 of the 2023-2024 school year – did not read at this benchmark's fluency rate, his pronunciation is getting better, and he reads with fewer errors. - rated as Making Progress to Annual Goal.</p> <p>Quarter 2 of the 2023-2024 school year no % reported - rated as Not Making Progress to Annual Goal.</p> <p>Quarter 3 of the 2023-2024 school year read at approximately 100 wpm. His accuracy rate was 97%. He did appear nervous this time. - rated as Not Making Progress to Annual Goal.</p>	<p>By February 26, 2025, when asked to read an unfamiliar instructional level literary or informational text for 1 minute, [Student] will read the text aloud at a rate of between 140-160 WCPM (words correct per minute) with 95% accuracy, on 3 out of 4 progress monitoring assessments.</p>	<p>Quarter 4 of the 2023-2024 school year - reading at approximately 75 words per minute. If he is familiar with the text, he can read at a much higher rate. - rated as Not Making Progress to Annual Goal.</p>

March 9, 2023 IEP	Quarterly Progress	February 27, 2024 IEP	Quarterly Progress
By March 8, 2024, when given a draft of the student's own work (e.g., from English, history, or science class), [Student] will correct at least 10 teacher-selected language convention skills (e.g. commas in compound and complex sentences, capitalization of proper nouns, and correct spelling of domain specific words) with 90% accuracy in 2 of 3 student drafts.	<p>Quarter 1 of the 2023-2024 school year corrected 67% of the errors; corrected all of the spelling errors but still struggled with comma placement - rated as Making Progress to Annual Goal.</p> <p>Quarter 2 of the 2023-2024 school year no % reported but rated as Making Progress to Annual Goal.</p> <p>Quarter 3 of the 2023-2024 school year reported as able to correct all of the grammar mistakes. - rated as Goal Met</p>	By February 26, 2025, given a writing prompt, [Student] will write a response correctly using commas after an introductory clause or phrase, to indicate direct address, to separate independent clauses, and to set off direct quotations 80% of the time.	New goal Quarter 4 of the 2023-2024 school year able to correctly place 100% of the commas after introductory phrases. rated as Making Progress to Annual Goal.
By March 8, 2024, given an independent reading level text and writing prompt, [Student] will compose a 6-8 sentence analysis paragraph in response to the text with 1 topic sentence, 3 pieces of relevant evidence from the text with an explanation that connects each piece of evidence to the topic sentence, and 1 concluding sentence in 2 of 3 texts as measured by student work samples.	<p>Quarter 1 of the 2023-2024 school year can write a paragraph with a topic sentence, evidence, and a conclusion; however, his essays do not always address the prompt correctly - rated as Making Progress to Annual Goal.</p> <p>Quarter 2 of the 2023-2024 school year no data reported but rated as Making Progress to Annual Goal.</p> <p>Quarter 3 of the 2023-2024 school year Based on information from ELA teacher, Student met this goal. He does benefit from the use of a Graphic Organizer. rated as Goal Met</p>		

The Special Education Coordinator stated during the June 10, 2024 interview with the Investigators that the District did not call an IEP meeting to address the student's lack of progress.

Conclusion

In this case it is found that the student's did not make progress on two of his four goals and the district did not propose to call an IEP meeting to discuss the student's lack of progress, instead, during the annual IEP the goal was continued with a reduced criterion, seemingly after

a year of instruction. The district did not report that there were any extenuating factors to explain the student's continually not meeting the goals, nor provide any instructional strategies tried to address the student not meeting benchmarks. Accordingly, it is concluded that the district failed its FAPE responsibility to provide the student with an opportunity to meet challenging goals and objectives.

Based on the foregoing, *is substantiated* that USD # 500 in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA) failed to demonstrate adequate progress.

Issue Three

The USD # 500 in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA) failed to provide parental participation in the development of the IEP, specifically the goals and services.

Applicable Law

Federal regulations at 34 C.F.R. §300.322 and Kansas regulations at K.A.R. §91-40-17 require agencies to take steps to ensure that one or both of the parents of an exceptional child are present at each IEP meeting or are afforded the opportunity to participate. These steps shall include the following: (1) Scheduling each meeting at a mutually agreed-upon time and place and informing the parents of the information specified in subsection (b) of this regulation; (2) except as otherwise provided in K.A.R. 91-40-37, providing written notice, in conformance with subsection (b) of this regulation, to the parents of any IEP team meeting at least 10 days in advance of the meeting. (b) The notice required in subsection (a) of this regulation shall meet the following requirements (1) The notice shall indicate the purpose, time, and location of the IEP team meeting and the titles or positions of the persons who will attend on behalf of the agency, including, if appropriate, any other agency invited to send a representative to discuss needed transition services.

Analysis: Findings of Fact

The Parent alleged that the IEP development was not a team effort. She stated that she felt that she had no say with regards to the number of service minutes and that it was already determined unless she was willing to give up an elective.

The District responded that the Parent participated in the IEP development and asked questions, shared concerns, and provided input for the IEP team. The first meeting was held on February 27, 2024, the team discussed the Student's IEP, and the Parent did not agree. She did not sign the PWN but did sign as a participant. A second IEP meeting was held on April 9, 2024, and the Special Education Coordinator attended to answer the Parent's questions and concerns. The Parent participated and provided written consent on the PWN which was originally written for the February 27, 2024 meeting, she signed with the April 9, 2024 date.

Documentation showed that IEP meetings were held on February 27, 2024 and April 9, 2024.

Documentation showed that the Parent participated in the February 27, 2024 IEP meeting.

Documentation showed that the Parent participated in the April 9, 2024 IEP meeting. Meeting Notes from the April 9, 2024 meeting recorded parent input and comments.

The parent had a phone conversation with the special education coordinator on May 21, 2024 to request her consent to amend the service minutes from 30 minutes twice a week to 30 minutes four times a week to support reading comprehension, reading fluency and written expression (per the phone log dated May 21, 2024 at 9:23 am). The parent expressed her continued concern regarding his reading and writing in history class. The special education coordinator offered the option of additional supports.

Documentation showed that the IEP amendment dated May 21, 2024 was not checked that the parent wished to call an IEP meeting to discuss the amendment. The Parent signed the IEP amendment on May 22, 2024.

Conclusion

While the Parent did not agree with the decisions made during the IEP meetings the IEP sign in sheets document that the parent participated. The Kansas Special Education Process Handbook states the following: "The IEP team should work toward consensus. It is not appropriate for an IEP team to make IEP decisions based upon a majority vote. If the IEP team cannot reach agreement the local education agency (LEA) representative at the meeting has the ultimate authority to make a decision and then to provide the parents with appropriate notice and request consent of the proposed action as appropriate."

Based on the foregoing, *is not substantiated* that USD # 500 in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA) to provide parental participation in the development of the IEP, specifically the goals and services.

Issue Four

The USD #500, in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA) failed to ensure that the educators providing services to the student have the appropriate qualifications.

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.

Analysis: Findings of Fact

The Parent alleged that the staff working with her child are not appropriately trained to help improve her child's decoding skills.

The District responded that the teachers working with the Student are appropriately and currently licensed to work with students with learning disabilities.

According to the Kansas State Board of Education License #2295998484 the Student's case manager holds a Professional License in High Incidence Disabilities for grades 6-12 effective June 25, 2023 through June 25, 2028. The license first was effective May 26, 2017.

The collaborative teacher for the student's ELA class also holds a Kansas State Board of Education License #3142532994 in High Incidence Disabilities for grades PRK-12 effective July 1, 2022 through June 30, 2024.

The services provided to students in the general education classroom at the high school are implemented through a collaborative teaching model. There is a general education teacher and a special education teacher, providing instruction to the entire class together, with the special education teacher available for support to students with IEPs. Collaborative teaching is provided in both ELA and mathematics classes. The Student's special education case manager has more coursework and experience in mathematics, so she is assigned collaborative classes in mathematics. She prepares and monitors progress on the Student's IEP. The special education teacher assigned to the Student's ELA class has strengths in ELA, so he is assigned collaborative classes in ELA.

Conclusion

It is found that the Student's Case Manager and Collaborative Special Education teacher are currently and appropriately certified to teach students with learning disabilities. Based on the foregoing, *it is not substantiated* that USD # 500 in violation of state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA) failed to ensure that the educators providing services to the student have the appropriate qualifications.

Summary of Conclusions/Corrective Action

1. **ISSUE ONE:** A violation of 34 C.F.R. 300.503(a), K.A.R. 91-40-27(a)(3) and K.A.R. 91-40-1(mm) was found, based on facts listed above. Corrective actions are required (as follows):

CORRECTIVE ACTION:

- i. By July 17, 2024 USD #500 shall submit a written statement of assurance to Special Education and Title Services (SETS) stating that it will comply with federal regulations at 34 C.F.R. 300.503(a) which 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, or educational placement of the child or the provision of FAPE (free appropriate public education) to a child who has or is suspected of having a disability and further that school districts must obtain parent consent before making a material change in services or a substantial change in placement.
 - ii. By July 17, 2024 USD #500 shall arrange for KSDE approved professional development for the student's school and related district personnel on the obligations to provide parents with prior written notice a reasonable time before they propose or refuse to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE and further that school districts must obtain parent consent before making a material change in services or a substantial change in placement.
 - iii. By the start of the 2024-2025 school year, USD #500 shall conduct the professional development described above and submit the agenda and participants to SETS.
 - iv. By the first date that student's return to school USD #500 shall conduct an IEP with all team members to 1) discuss and amend the IEP to provide special education services to address the student's reading and writing goals that can be delivered according to the student's block schedule; 2) discuss and/or amend the IEP based on the IEP decision of whether the special education services to address the student's reading and writing goals will be delivered during Science, History or other content classes; 3) offer compensatory instruction to the parent, who may accept none, some, or all of the offered services. The offer shall be no less than 1,620 minutes of compensatory education (calculated at 60 minutes for 27 weeks) directed toward the IEP goals on the February 27, 2024 IEP.
 - v. The parents shall have 10 days to accept none, some, or all of the compensatory education offer. The district will provide PWN to the parents resulting from the parents' response to the compensatory education offer.
2. **ISSUE TWO:** A violation of 34 C.F.R. §300.324(b)(1)(ii)(A) and K.S.A. §72-3429(f)(2)(A) was found, based on facts listed above. Corrective actions are required (as follows):

- i. By July 17, 2024 USD #500 shall submit a written statement of assurance to Special Education and Title Services (SETS) stating that it will comply with federal regulations at 34 C.F.R. §300.324(b)(1)(ii)(A) to ensure that the IEP team meets to revise the IEP, as appropriate, to address any lack of expected progress toward the annual goals and in the general education curriculum.
 - ii. By July 17, 2024 USD #500 shall arrange for KSDE approved professional development for the student's school and related district personnel on how to review student progress and their obligation to meet the IEP team to address any lack of expected progress toward the annual goals and in the general education curriculum.
 - iii. By the start of the 2024-2025 school year, USD #500 shall conduct the professional development described above and submit the agenda and participants to SETS.
3. **ISSUE THREE:** A violation of K.S.A. §72-3429(4)(B)(1) was not found, based on review of evidence and interview. Corrective action is not required.
 4. **ISSUE FOUR:** A violation of K.S.A. §72-3429(4)(B)(1) was not found, based on review of evidence and interview. 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)