

In the Matter of the Appeal of the Report
Issued in Response to a Complaint Filed
Against Unified School District No. 469
Lansing Public Schools: 25FC469-001

DECISION OF THE APPEAL COMMITTEE

Background

This matter commenced with the filing of a complaint on August 27, 2024, by ----- on behalf of his son, ----- . In the remainder of this decision, ----- will be referred to as "the parent," and ----- -- will be referred to as "the student." An investigation of the complaint was undertaken by a complaint investigator on behalf of the Special Education, and Title Services team at the Kansas State Department of Education. Following the investigation, a Complaint Report, addressing the allegations, was issued on September 26, 2025. That Complaint Report concluded that there were no violations of special education statutes and regulations

Thereafter, the parent filed an appeal of the Complaint Report. Upon receipt of the appeal, an appeal committee was appointed and it reviewed the original complaint filed by the parent, the Complaint Report, the parent's notice of appeal, and the district's response to the appeal. The Appeal Committee has reviewed the information provided in connection with this matter and now issues this Appeal Decision.

Preliminary Matters

A copy of the regulation regarding the filing of an appeal [K.A.R. 91-40-51(f)] was attached to the Complaint Report. That regulation states, in part, that: "Each notice shall provide a detailed statement of the basis for alleging that the report is incorrect." Accordingly, the burden for supplying a sufficient basis for appeal is on the party submitting the appeal. When a party submits an appeal and makes statements in the notice of appeal without support, the Committee does not attempt to locate the missing support.

No new issues will be decided by the Appeal Committee. The appeal process is a review of the Complaint Report. The Appeal Committee does not conduct a separate investigation. The appeal committee's function will be to determine whether sufficient evidence exists to support the findings and conclusions in the Complaint Report.

Discussion of Issues on Appeal

From Parents

The report identified two issues: (1) the district failed to implement the student' IEP at the beginning of the 2024-2025 school year and (2) the district failed to convene an IEP meeting and obtain parent participation before refusing parent-requested special education.

The parent's appeal, in its entirety, states:

I wish to submit my Notice of Appeal for the findings and conclusions indicated in the attached. The investigator failed to use the pieces of evidence we supplied and did not even mention them as part of this investigation. Page 2 of this report failed to mention video evidence that we provided. The investigator was made aware of the daily schedule of ----- to keep his morning educational routine as the School is not providing educational instructions, but that was not indicated in this report also. False reports to the DCF report by the school that was part to be part of this investigation is not mentioned anywhere in this report. With these reasons and more, I wish to file a Notice of Appeal.

The Appeal Committee has already noted, above, that Kansas regulations specify minimum requirements for appeal of a complaint report, namely: "Each notice shall provide a detailed statement of the basis for alleging that the report is incorrect," and that the appeal process allows for an appeal of only the "findings and conclusions" in the report. A copy of this regulation was included in the complaint report sent to the parent, on pages 14-15 of the report.

Accordingly, the burden for supplying a sufficient basis for appeal is on the party submitting the appeal. When a party submits an appeal and makes statements in the notice of appeal without support, the Committee does not attempt to locate the missing support. The appeal process is a review of the Complaint Report. The Appeal Committee does not conduct a separate investigation. The appeal committee's function is to determine whether sufficient evidence exists to support the findings and conclusions in the Complaint Report."

The Committee finds this appeal to be lacking the clarity required by K.A.R. 91-40-51(f), for the following reasons:

The appeal states:

1. *The investigator failed to use the pieces of evidence we supplied and did not even mention them as part of this investigation.*

The Committee finds that this portion of the notice of appeal fails to describe the evidence that was supplied, but not used, or relevance of such evidence to any finding or conclusion;

2. *The report failed to mention video evidence that we provided.*

The Committee finds that this portion of the notice of appeal fails to describe what video evidence was provided or how that evidence is relevant to the findings or conclusions in the report.

3. *The investigator was made aware of the daily schedule of (the student) to keep his morning educational routine as the School is not providing educational instructions, but that was not indicated in this report.*

The Committee finds that this portion of the notice of appeal is difficult to interpret, does not indicate which issue it addresses, and that it fails to describe how the omission of this information from the report is relevant to any of the findings or conclusions in the report.

4. *False reports to the DCF by the school that was to be part of this investigation is not mentioned anywhere in this report.*

The Committee reviewed the original complaint filed by the parent and found no reference to a DCF report. The Committee finds that the omission of information regarding DCF reports in the complaint report is not error.

The Committee has reviewed the report in its entirety and finds that sufficient evidence exists to support the findings and conclusions in the Complaint Report

Conclusion

For the reasons stated herein, the Complaint Report is sustained in full.

This is the final decision on this matter. There is no further appeal. This Appeal Decision is issued this 16th day of October, 2024.

Appeal Committee

Crista Grimwood

Brian Dempsey

Mark Ward