

KANSAS STATE DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND TITLE SERVICES
REPORT OF COMPLAINT
FILED AGAINST
UNIFIED SCHOOL DISTRICT #416, LOUISBURG PUBLIC SCHOOLS
ON SEPTEMBER 17, 2024

DATE OF REPORT: OCTOBER 28, 2024

This report is in response to a complaint filed with the Kansas State Department of Education against USD #416 Louisburg 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 "the mother."

The complaint is against USD #416 Louisburg Public Schools. In the remainder of the report, USD #416 will be referred to as "the district." The East Central Kansas Special Education Cooperative (ECKSEC) provides special education services to the district. It is noted that ECKSEC provides special education services for the USD #416 under an interlocal agreement. In the remainder of the report, "the school, and" the "district" shall refer only to USD #416 and is recognized as the responsible agency.

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 September 17, 2024 and the 30-day timeline ended on October 17, 2024. The investigator requested an additional time to complete the investigation, and the new timeline ended October 28, 2024.

Evidence Reviewed

During the investigation, the Complaint Investigator Dr. Donna Wickham reviewed all evidence and documentation provided by the district and the parent. Some evidence was older than twelve months and used for context rather than investigation of the issues.

The following documentation and information were used in consideration of the issues:

- Multidisciplinary Team Report Initial Evaluation and staffing summary, dated May 13, 2021
- IEP and staffing summary, dated April 27, 2023
- Communication log between teacher and parent dated September 22, 2023 and September 9, 2024
- Communication log between speech and language therapist teacher and parent dated September 26, 2023 and May 21, 2024
- Office visit by student for incident, dated October 31, 2023 at 10:11 a.m.

- Emails among bus company, psychologist of sending district, and parent dated January 8, 2024 between 2:19 p.m. and 3:22 p.m.
- Progress report dated May 10, 2023, October 12, 2023, December 14, 2023, March 8, 2024
- Office visit by student for incident dated March 29, 2024
- Screenshot of email exchange between special education teacher and parent dated March 29, 2024 between 8:43 a.m. and 9:21 a.m.
- Prior Written Notice for Evaluation or Reevaluation and Request for Consent dated April 17, 2024 , parent signed consent April 22, 2024
- Evaluation/Eligibility Team Report (Reevaluation) dated April 17, 2024
- Prior Written Notice for Identification, Special Education and Related Services, Educational Placement, Change in Services, Change in Placement and/or Request for Consent dated April 19, 2024, parent signed consent April 26, 2024
- Re-Evaluation Not Needed Agreement Waiver Request, dated April 22, 2024, signed consent by parent on April 22, 2024
- Consideration of Special Education Reevaluation (All Eligibility Categories) dated April 22, 2024
- IEP dated April 22, 2024
- Student attendance dated between August 13, 2024 through September 24, 2024
- IEP amendment dated August 14, 2024
- Video of August 29, 2024 student fall
- Urgent Care Provider Note (Aftercare Visit Summary) dated August 29, 2024
- Email between parent and principal dated August 30, 2024 between 8:32 a.m. and 10:09 a.m.
- Screenshot of email from principal to parent sent August 30, 2024, no time specified
- Screenshot of email from mother to principal sent September 4, 2024, no time specified
- Parent complaint to KSDE dated September 17, 2024
- Email from investigator to parent dated October 21, 2024 at 10:32
- Text from parent to district undated, regarding fall
- Corkscrew climber image from playground, undated

The Investigator contacted the district and parent several times by phone and email to clarify evidence. The Investigator spoke with the mother by phone on September 17, 2024 and by email on several occasions to clarify specific points. The investigator later interviewed the mother on October 21, 2024 by phone. The Investigator interacted with the district and cooperative by email to clarify evidence and a phone interview occurred on October 7, 2024 with Kris Holt, Director of Special Education; Janniel Crader, Principal; Emily Maize, School Nurse; Jennifer Wilson, Speech Language Pathologist; Melissa Rodgers, School Psychologist; and Traci Kenner, Physical Therapist. The student's teacher was not available due to a previous obligation but provided clarifications by email.

Background Information

The student was a five-year-old kindergartener during the 2023-2024 school year and was eligible for special education and related services under the category of Developmental Delay based on the most current reevaluation dated May 13, 2021. He remains in the district as a first grader during the 2024-2025 school year. The student's placement is at the elementary school that is not the student's home school placement. Due to the student's needs the IEP team determined that the student's needs were better met at an elementary school in a different district, but within the same cooperative. During the past twelve months the student had two IEPs in effect. The student received special education and related services for speech and language and occupational therapy services. This complaint addresses developing and implementing an IEP that meets the safety needs of the student and implementing the student's service minutes during the past twelve months due to transportation.

Issues Investigated

1. Did the student's IEP include the appropriate special education and related services and supplementary aids and supports to supervise the student's safety written during the past 12 months?
2. Did the district follow the student's IEP during the past 12 months to provide the special education and related services and supplementary aids and supports written into the IEP to supervise the student's safety?
3. Did the district follow the student's IEP during the past 12 months to provide the special education and related service minutes written into the IEP?

Issue One

Did the student's IEP include the appropriate special education and related services and supplementary aids and supports to supervise the student's safety written during the past 12 months?

Applicable Law

Federal regulations at 34 C.F.R. §300.324(b) mandates that the IEP team must review the IEP periodically, but not less than annually, to ensure that it is effective in addressing the student's needs. If the IEP is not working, the team is required to revise it to address: 1) any lack of expected progress toward the annual goals; 2) the results of any reevaluation; 3) information about the child provided to, or by, the parents; and 4) the child's anticipated needs.

Analysis: Findings of Fact

The Parent alleged that the student was repeatedly injured during the past twelve months due to lack of appropriate supervision of the student and other students. Specifically, during the 2023-2024 school year the student was not properly supervised while he was toileted and fell off the toilet, cutting open the back of his head. Later in the school year the student was not

properly supervised, and another student hit and pushed the student resulting in his receiving a bloody nose and scratches on his neck. This school year the student was not properly supervised while on the playground, in spite of four staff being present on the playground, and the student fell approximately six feet off a piece of playground equipment and broke his arm. Given the student's disabilities and history of injuries during this short period of time, the mother alleges that the IEP clearly does not have enough support or supervision to keep the student safe.

The District responded that a safe learning environment for all students is a priority. They stated they believe that the student's IEP includes the appropriate special education and related services and supplementary aids and supports to supervise the student's safety.

The IEP dated April 27, 2023 noted fine, gross, and visual motor delays that impacted the student's ability to participate in developmentally appropriate activities. He received adaptive physical education and had a goal for 25% assists with safe playground activities. He additionally had a goal to show improvement in his balance in mobility by transitioning and sitting in a circle sit position during circle time in preschool.

A student office report, communication log with the parent and emails exchanges between the parent and school staff document that the student was injured on the October 31, 2023 while toileting. The parent claimed during the October 21, 2024 interview with the investigator that she was told the student fell off the toilet to the floor. The district described the incident during the October 7, 2024 interview as the student was placed on the toilet and as he was adjusting himself on the toilet, he thrust his head backward striking hit his head on the toilet's handle.

The parent reported that she was contacted by the district nurse and told he may need stitches, but it turned out he needed the laceration to be glued. The parent and district reported that no meetings to discuss changes to his toileting routine were made following the incident. Emails between the school and parent on November 23, 2023 documented that the school explained that the size of the toilet contributed to the student's injury.

The communication log documented that the student was scratched on the neck by another student on November 15, 2023 and that the parent was notified by the teacher and the teacher apologized for injury. The staff reported during her October 7, 2024 interview with the investigator that the other child's parent was notified about hurting the student and the staff were notified to take precautions for safeguarding children.

Emails between the parent and teacher and the communication log explained that the student was injured on March 29, 2024 when a classmate pushed the student in the lunchroom resulting in the student getting a nosebleed and half dollar size red mark on the student's forehead. It was documented in an office report that the student was examined by the school nurse and given ice. The parent emailed the school stating she was not happy that he continues to get hurt and concerned that para coverage is not keeping this from occurring. She stated that when the student started at the school the parent had ABA support available,

but the district declined that support, assuring the parent they had plenty of help. No meetings or changes to the IEP were found.

The school staff stated during their October 7, 2024 interview that when the student transitioned from preschool to kindergarten the student developed more motor skills and improved from needing hands on assistance walking in the hallways to being independent. Additionally, during his kindergarten year, the student became much more independent on the school playground.

The student's progress reports that the student is independently climbing stairs, crossing steppingstones, and going down slides. He still requires full adult support for climbing ladders, swinging and teeter totter. The progress report documents that the student continues to be independent and needs occasional cues to try new things.

The prior written notice dated April 17, 2024 requested consent to reevaluate the student to consider dismissing physical therapy services. The mother signed consent for the reevaluation on April 26, 2024.

Using existing data, the reevaluation report dated April 17, 2024 summarized that the physical therapy goals were met, and dismissal was appropriate.

The IEP team met on April 19, 2024 to review the results of the reevaluation and an April 19, 2024 prior written notice proposed a dismissal of physical therapy as the goals have been met, with the parent signing consent on April 26, 2024.

The IEP dated April 22, 2024 did not include specially designed adaptive physical education and described the student as independent and safe in his mobility throughout the school and that he plays safely on the playground with his peers. Delays with motor imitation and coordinator skills impact his ability to access and participate in the general education setting. No accommodations, or supports for school personnel are included. It described the student as being dependent on staff to carry out tasks throughout the day. The student's current communication skills have a significant impact on the student's ability to get needs and wants met along with participating in developmentally appropriate activities.

The parent stated during her interview on October 21, 2024 that she did not agree that all of his physical therapy needs were met but agreed that he had improved. She stated that the student continues to have a limp. Although the family has pursued this through private medical professionals his walking is still not good, and he needs supervision.

A video of the fall on the playground, incident report, interviews with both the parent and school staff and emails document that the student fractured his right proximal humerus falling from a cork toy on the playground August 29, 2024. The office visit note, dated 8/29, 2024 at 2:23 p.m. documented the student came to the nurse's office upset and crying. He was observed to have a small scrape on his bottom lip, right elbow had a small scrape, his upper right arm/shoulder were swollen. 5ml of Tylenol were administered and the parent was called to pick up.

The urgent care report shows that the student had a fracture of the proximal humerus, and a shoulder immobilizer was recommended. Orthopedic follow-up was recommended. The doctor ordered a 1:1 para for the student at school since the injury was not casted. The parent and district both report that the 1:1 para was provided by the district while the student was in the immobilizer.

An email/text on August 30, 2024 showed that the mother contacted the school requesting to see the video of the incident and asking for a meeting. The mother made an email request to see the video again on September 4, 2024. A request was made for the father to have availability to view the video. The mother reported that the father did not view the video.

The IEP amendment not requiring a full meeting, dated August 14, 2024 proposed a material change of services to change speech therapy to 30 minutes one time every week and documented that the student does not require specially designed adaptive physical therapy, and is independent and safe with mobility throughout the school. He plays safely on the playground with his peers. This IEP amendment was refused by the parent and is not being implemented.

Conclusion

In this case a student was injured four times in the space of a year during kindergarten and in the first grade. The parent's allegation was that the district should have met with the IEP team to amend the IEP to ensure safety by providing 1:1 para support and reinstating physical therapy services.

The evidence shows that after each injury the parent was contacted in a timely manner and according to district procedures. In none of the incidents where the student was injured did the IEP team meet and discuss if the student's IEP needed to change. The district did not call an IEP meeting and the parent did not request an IEP meeting. In all instances the district followed their procedures and in their communications with the parent and documentation of the incidents no mention was made that the student's IEP services or supports needed to change.

Therefore, *it is not substantiated* that USD #416 that the student's IEP did not include the appropriate special education and related services and supplementary aids and supports to supervise the student's safety written during the past 12 months.

During the course of the investigation, evidence was provided showing that a procedural error occurred that impacted the student's services; dismissal of physical therapy services, which the parent stated contributed to the student's fall on the playground. The parent signed consent for conducting the reevaluation of the student's physical therapy services on the same date she signed consent for dismissing the services. According to K.S.A. 72-3428(b); K.S.A. 72-3430; 34 C.F.R. 300.304(a) whenever a school proposes to conduct a reevaluation, the school must provide Prior Written Notice to the parents of the child that describes any evaluation procedures the school proposes to conduct prior to conducting the reevaluation. The parent signed consent after the evaluation was conducted so *prior notice was not adequately provided*.

Issue Two

Did the district follow the student's IEP during the past 12 months to provide the special education and related services and supplementary aids and supports written into the IEP to supervise the student's safety?

Applicable Law

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. K.A.R. §91-40-16(b)(2) further specifies those services for which written consent has been granted as specified by law are implemented not later than 10 school days after parental consent is granted unless reasonable justification for a delay can be shown.

Analysis: Findings of Fact

The findings of Issue One are incorporated herein by reference.

The Parent alleged that the student's IEP was not implemented to keep her child safe. The student has disabilities that required that the student have supports and supervision to be safe and those were not implemented resulting in the student ending up with several significant injuries.

The District responded that they followed the student's IEP providing the special education and related services and supplementary aids and supports that were written into the IEP to supervise the student's safety. Further, the student has multiple staff members throughout the day supervising him.

The IEP dated April 27, 2023 included goals 1) using signs/pictures/icons/speech to communicate needs and wants; 2) touching named items from an array of 3 photos/icons/pictures when give a verbal directive to indicate receptive knowledge; 3) imitate 5 functional play actions of an adult or peer; 4) respond to student's name within 5 seconds of being called; 5) complete three tasks/activities and indicate "all done" by sign/icon/verbalization; and 6) need (use) 25% assist on the playground for safety and access to equipment.

The student received 180 minutes of special education service 3 days every week; 160 minutes 1 day every week and 12 minutes 1 day every week. The student received 20 minutes of speech services 2 days every week and 20 minutes each of occupational therapy and physical therapy services 1 day every week and 30 minutes of extracurricular services 1 day every week. The student did not receive accommodations or supports for staff and did receive special education transportation services.

The IEP dated April 22, 2024 and IEP amended August 14, 2024 states that the student requires a Health care plan due to visiting the nurse twice daily for tube feedings. His IEP goals include: 1) manage items when presented with bilateral coordination and grip strength self

care and too management skills; 2) maintain shared attention for 5 minutes by following one step simple directions; 3) use functional communication to protest, greet, request want and needs; 4) count as many as 10 objects and represent the quantity with the corresponding numeral; 5) identify student's own name by touch in an array of multiple student names.

The student received 120 minutes of speech services 4 days every week and 15 minutes of occupational therapy 1 day every week. The student did not receive accommodations or supports for staff and did receive special education transportation services 60 minutes 5 days every week.

The district stated during the October 7, 2024 interview that the student's class was comprised of 8 students supported by 5 to 6 staff in the classroom at all times.

The district stated during their October 7, 2024 interview that they followed the doctor orders and assigned a 1:1 para to the student while in the arm sling to assist with safety.

The district stated during the October 7, 2024 interview that while in the past the student's IEP present levels stated a need for adult support in walking in the hallways and on stairs he has progressed, and he is safe to walk in the hallway alone. He just needs guidance to not wander and remain focused on where he is going. Additionally, the use of an adaptive seat worked in the same way. It was not for motor or trunk stability, but to encourage him to remain seated with the class.

Progress notes show that the student was learning to use a communication system to express needs and wants.

Conclusion

The IEP does not contain special education, related services, or goals for physical safety due to health or medical conditions. Instead, the district staff and parent described the safety concerns were related to the student not having learned to use a communication system and consistently follow a one-step direction. The IEP contains services and goals to teach symbolic communication and follow one-step directions. Progress reports and interview with the staff documented that those services were provided and those goals taught. It is noted that the student was assigned a paraeducator on a temporary basis following his broken arm at the order of the student's medical doctor and the district followed that order.

As there were no specific services, supplementary aids or supports or goals directed specific to student safety and goals and services were directed to teaching safety skills *it is not substantiated* that USD #416 failed to follow the student's IEP during the past 12 months to provide the special education and related services and supplementary aids and supports written into the IEP to supervise the student's safety.

Issue Three

Did the district follow the student's IEP during the past 12 months to provide the special education and related service minutes written into the IEP?

Applicable Law

Transportation is a related service when it is needed in order for the child to benefit from special education. If the IEP team determines that a child will not be able to access special education services without transportation being provided by the school district, the IEP team needs to add transportation to the IEP as a related service, even if the need for transportation is not related to the disability. (Kansas Special Education Handbook)

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. K.A.R. §91-40-16(b)(2) further specifies those services for which written consent has been granted as specified by law are implemented not later than 10 school days after parental consent is granted unless reasonable justification for a delay can be shown.

South Washington County Indep. Sch. Dist. #833, 114 LRP 34477 (SEA MN 04/24/14) and Baltimore County Pub. Schs., 119 LRP 14587 (SEA MD 12/28/18) found that a district's failure to remedy consistent delays in a student's transportation may lead to a denial of FAPE requiring compensatory services.

Special Sch. Dist. (MO) of St. Louis County, 23 IDELR 1189 (OCR 1995), and Hood River County (OR) Sch. Dist., 16 IDELR 314 (OCR 1989) found that service interruptions that lasted a day or two did not likely amount to a finding that denied FAPE. However, even occasional, brief interruptions can violate a student's right in this regard when they occur frequently and repeatedly throughout the course of the school year.

Analysis: Findings of Fact

The findings of Issues One and Two are incorporated herein by reference.

The Parent alleged that during the last school year when the weather was becoming inclement during the school day and the student's school van was called to the school by the district and staff loaded the student into the van and transported him home approximately an hour before dismissal. While the weather was a concern the district did not dismiss early so the student was mistakenly sent home. Of more concern was that the parent or family members were not notified the student was returning home early and no one was at home to meet the student when he arrived at home.

The District responded that they follow the student's IEP providing the special education and related services minutes. The student is in a special day program and due to miscommunication with transportation during a winter storm the student left early in the district van when school was not dismissed early. This is not a routine situation. The principal

stated that following this incident the school principal contacted each district to ensure all of the districts in the cooperative have more unified procedures in case of inclement weather.

The IEPs dated April 27, 2023 and April 22, 2024 include special transportation as a service.

The district shared during the interview on October 7, 2024 that the student rides in a district van between the home and school daily almost 2 hours daily roundtrip. They stated that the driver that picked up the student early on January 8, 2024 is no longer working in the district and the student has a new driver.

The district stated during the interview with the investigator on October 7, 2024 that the weather was becoming more inclement, and the student's van arrived, so the staff took the student out to meet the van as is their general practice. Since the van had arrived early, they assumed the student's home district was closing schools, and the student would follow the home district's weather closing procedures. The teacher then contacted the parent through email to let the mother know he had not eaten yet.

An email exchange on January 8, 2024 documented that the district notified the mother at 1:40 p.m. that transportation came early to transport him due to road conditions. The parent replied that the bus company had not notified her, and she was making arrangements to be home to meet the bus.

An email from the mother to the bus company documented that neither the bus company nor van driver notified the mother of bringing him home early. The parent stated during an interview with the investigator on September 17, 2024 that on January 8, 2024 there was a chance of winter mix at some point during the day and that she was called by the teacher about midday to let her know that the van had arrived and picked up her child without being tube fed. The mother spoke with the principal at the end of the day and in response to the mother describing the situation stated, "he has eaten by now, right, sometimes these times need to happen to find out where the gaps are."

The principal of the student's school contacted all of the districts in the coop to ensure that everyone's dismissal protocols were the same according to a communication log with the mother on January 8, 2024 at 3:30 p.m.

Attendance records show the student was absent 3.5 days during the 2024-2025 school year and the communication log documented that the teachers do not count the student tardy when the bus delays the student's arrival in the morning.

Communication logs show that van transportation was approximately 30 minutes late on October 5, 2023, did not show up on October 30, 2023, and was approximately 15 minutes late on November 28, 2023, January 5, 2024.

In an email exchange with the investigator on October 21, 2024 the parent wrote that the van has shown up every day and there have been no early pick-ups; the only time the bus returned the student home late is when there is a substitute driver.

Conclusion

The student receives special education transportation services as indicated on the IEPs of record and this related service is needed for the student to receive FAPE. While the January 8, 2024 incident when the student was brought home early for inclement weather without notification to the parent was the impetus for the mother's complaint, the student additionally missed approximately four total hours of service during the past twelve months due to late pick ups or not showing up. In reviewing court findings this situation did not constitute an ongoing consistent pattern of late arrivals or early dismissals. Further, the school principal reached out to the other districts to resolve the early dismissal and have replaced the van driver who was involved in the late pickups and not showing up one day.

Therefore, it *is not substantiated* that USD #416 failed to follow the student's IEP during the past 12 months to provide the special education and related service minutes written into the IEP in regard to early dismissals or late pickups of the student who had transportation as a related service.

Summary of Conclusions/Corrective Action

ISSUE ONE: A violation of 34 C.F.R. §300.324(b) was not found, based on the facts above. Corrective action is not required.

A violation of 34 C.F.R. 300.304(a) was found and the following corrective action is ordered.

CORRECTIVE ACTION:

- A. By November 24, 2024, USD #416 shall submit a written statement of assurance to Special Education and Title Services (SETS) stating that it will comply with federal regulations 34 C.F.R. 300.304(a) which require that whenever a school proposes to conduct a reevaluation, the school must provide Prior Written Notice to the parents of the child that describes any evaluation procedures the school proposes to conduct prior to conducting the reevaluation. The parent signed consent after the evaluation was conducted so prior notice was not adequately provided.
 - i. The student's physical therapy services will be reinstated as written in the April 27, 2023 IEP until a new reevaluation of physical therapy is completed and a new IEP meeting is held to discuss the evaluation findings and the IEP team determines any IEP changes.
 - ii. By November 24, 2024, USD #416 shall submit a written statement of assurance to Special Education and Title Services (SETS) stating that it will comply with federal regulations 34 C.F.R. 300.304(a) which require that whenever a school proposes to conduct a reevaluation, the school must provide Prior Written Notice to the parents of the child that describes any evaluation procedures the school proposes to conduct prior to conducting the reevaluation. The parent signed consent after the evaluation was conducted so prior notice was not adequately provided.

- iii. By November 24, 2024, the school will review written procedures for the reevaluation process to ensure family involvement and prior notice steps are followed.
- iv. By November 24, 2024, the school will participate in training on the reevaluation process. The school will provide SETS a sign in sheet of the participants and a copy of the training materials.
- v. By December 10, the district will provide evidence of completion of 1(a)i, 1(a)ii and 1(a)iii to SETS.

ISSUE TWO: A violation of 34 C.F.R. §300.323(c)(2) was not found, based on the facts above. Corrective action is not required.

ISSUE THREE: A violation of 34 C.F.R. §300.323(c)(2) was not found, based on the facts 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)