

BEFORE THE SPECIAL EDUCATION DUE PROCESS HEARING OFFICER

_____ FATHER)
and) Case No. 25DP229-003
USD 229)
_____)

Pursuant to K.S.A. 72-2252 et seq.

Order Resolving Current Request

NOW ON THIS 18th day of June, 2025, the above case comes on for a final decision.

On the 17th day of June, 2025, the Father and representatives from the district appeared before the Hearing Officer in a pre-hearing and the following was discovered.

No information was forthcoming as to the contact information for the Mother. The Father when asked failed to provide a valid email for the Mother.

The Father filed a NOTICE OF PARENT'S REQUEST FOR SPECIAL EDUCATION DUE PROCESS HEARING on May 19, 2025.

The District filed a RESPONSE TO DUE PROCESS COMPLAINT on May 29, 2025.

There have been two Complaints filed by the Father regarding substantively the same issues;

25FC229-004. Determined that no violation occurred as Prior Written Notice had been properly sent denying the request of September 5, 2014, for an outside psychological evaluation.

25FC229-007 regarding the request for a psychological evaluation allegedly made by the Father in November of 2024. Determined no such request was made.

As to Problem #1 of the REQUEST, the Father stated at the pre-hearing he did not have anything beyond what was presented to the investigator for KSDE on this issue.

It was concluded that no request for any type of evaluation was made in November of 2024.

It also was noted that the District agreed to do an evaluation known as BASC-3 and **obtained the Mother's consent for this evaluation on 04-16-25** and this is currently occurring.

As to Problem #2 the District noted the last three-year evaluation was done April 20, 2023 and the next one is due April 19, 2026..

It appears the Father is impatient with the process as demonstrated by the following:

On May 19, 2025, the district sent both parents the following information in a PWN.

"In a phone call with Dr. Mark Schmidt, Assistant Superintendent of Special Education, on **May**

15, 2025, ----- requested an IEP meeting to review the results of the BASC-3. The District declines to have an immediate IEP meeting to review the results, as the evaluation is not yet complete. The district had agreed to conduct an assessment consisting of teachers, parents and student completing the Behavior Assessment System for Children, Third Edition scales. The student's mother signed consent for this evaluation on 4/16/25. While the district will not hold an immediate IEP meeting to review results, an IEP meeting will be scheduled and held with parents within 60 school days of 4/16/25 to share results of this evaluation. Specifically, this meeting will occur prior to 10/1/25 unless changes to the school calendar occur." (Emphases supplied by Hearing Officer)

Thus, it is apparent that the Father knew of the ongoing evaluation and chose to file the REQUEST rather than wait for the evaluation.

The District advised they have commenced a Behavior Assessment System for Children BASC-3 in an effort to accommodate the parent and the 60 SCHOOL DAY time period runs from April 16, 2025 until October 1, 2025.

The issue raised in Problem #1 does not exist as demonstrated by the communications between the parents and district and the consent signed by the mother 04-16-25, all of this occurring prior to the REQUEST of the father.

The issue raised in Problem #2 is based on an incorrect allegation by the father.

Thus no issues are in dispute needing resolution.

The above case is dismissed as being without merit

IT IS SO ORDERED.

//Lloyd Swartz//

CERTIFICATE OF SERVICE

A true and correct copy was sent by electronic mail to the following:

Parent, Attorney for the District, KSDE