KANSAS
STATE DEPARTMENT OF
EDUCATION

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State of Kansas Memorandum

To: District Superintendents
District Special Education Directors

From: Dr. Randy Watson, Kansas Commissioner of Education

Date: November 24, 2025

Re: Case-by-Case Consideration of Applied Behavior Analysis (ABA) Therapy Access in Schools

Many Kansas families recount facing challenges accessing ABA therapy within schools. This challenge highlights the need for strong parent and educator partnerships. By working together, we can ensure that every student receives the opportunity to thrive and reach their full potential.

This memorandum seeks to provide districts clarity on the standard for reviewing requests for the provision of medically necessary ABA therapy for students with autism spectrum disorder (ASD) within school settings as prescribed by the student's qualified healthcare provider. As you are aware, the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act place a legal requirement on public schools to accommodate the special needs of students with disabilities, which includes those diagnosed with ASD.

Accommodation requests under the ADA or Section 504 must be reviewed individually and on a case-by-case basis. This includes requests for students with ASD to access medically necessary behavioral health treatment in school as prescribed by a qualified healthcare provider. A categorical denial of such a request for accommodation may put a district at risk of allegations of failing to comply with the ADA and Section 504 mandates.

ABA therapy is a recognized behavioral health treatment for students diagnosed with ASD, and for some students, receiving such treatment in the school environment may be necessary for the student's therapeutic plan. In Kansas, funding for these healthcare services in all medically necessary settings, including school, may be available through commercial insurance and Medicaid. Any denial of a request for an accommodation to allow for the delivery of ABA services in the school setting without a comprehensive, individualized review of the request may violate your obligations under federal law.

To uphold our commitment to an accessible educational environment, KSDE recommends the following actions:

1. **Review Current Policies**: Ensure that any existing district policies align with the requirement to review ABA therapy requests on a case-by-case basis.
2. **Engage in the Interactive Proce**ss: Work collaboratively with students, parents, guardians, and healthcare providers to determine appropriate accommodations requested under Section 504 or ADA. Consistent with the procedural and other requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36:
    a. For each student identified as eligible to receive special education and/or related services, the local educational agency (LEA) will assess whether available information indicates that the student's educational program meets the student's individual educational needs. If appropriate, the LEA will convene a group of persons knowledgeable about the student, making all reasonable efforts to include the parent/guardian, to determine if the student requires a change in placement or additional or different related services, including LEA-provided therapy services, to ensure the provision of a free appropriate public education (FAPE).
    b. For each student not previously or currently identified as eligible to receive special education and/or related services, the LEA will assess whether available information indicates that the student may need special education and/or related services, including LEA-provided therapy services, due to a disability. If appropriate, the LEA will convene a group of persons knowledgeable about the student, making all reasonable efforts to include the parent/guardian, to evaluate the Student to determine eligibility and, if relevant, appropriate placement and related services for the student.
3. **Document Decisions**: Keep detailed records of the evaluation process for each request to ensure that decisions are made based on the student's individual needs and are well-documented.

In such circumstances, the school should continue working through the interactive process with the student's parents or guardians to determine if other accommodations or modifications are necessary for the student to safely and meaningfully access the school's programs, services, and activities to the same extent as non-disabled students.

For further guidance or assistance, please contact:

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