

See Chapters 10 and 11 for changes in mediation requests and formal complaint filings for the duration of COVID-19 KSDE staff restrictions.

# Kansas Special Education Process Handbook



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## ACKNOWLEDGEMENTS

Special Education and Title Services wishes to thank all those that provided input for the 2018 Kansas Special Education Process Handbook, including representatives from Families Together, Inc., the Kansas' Technical Assistance System Network (TASN) and KSDE.

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The Kansas Special Education Process Handbook was developed as a guidance document by the Kansas State Department of Education. It is not an official statement of policy or procedure. If any portion of this document conflicts with law or regulation, the law or regulation takes precedence. The opinions expressed herein do not necessarily reflect the position of the United States Department of Education, and no endorsement by the United States Department of Education should be inferred.

The current version of this handbook may be downloaded at <https://www.ksde.org/Default.aspx?tabid=598>. This handbook will be updated as needed; for this reason we recommend that you not print a paper copy of this handbook.

The links or copies of selected statutes and regulations in this handbook are for the convenience of the public and are meant to be used only as reference. While the Kansas State Department of Education has made every effort to accurately reproduce these statutes and regulations, they are not the official statutes and regulations of the State or Federal Government. The Kansas Statutes Annotated (K.S.A.), published by the Kansas Office of Revisor of Statutes, and the Kansas Administrative Regulations (K.A.R.), published by the Office of the Kansas Secretary of State should be consulted for the text of the official statutes and regulations of the State. The U.S. Government Publishing Office should be consulted for the text of the official federal statutes and regulations, the United States Code (U.S.C.) and the Code of Federal Regulations (C.F.R.).

**2017 Chapter 72 Statute Transfer:** The statutory sections of Chapter 72 of the Kansas Statutes annotated have been transferred for the purpose of providing clarity and uniformity with respect to the subject matter of Chapter 72, which is elementary and secondary education. The sections of Chapter 72 have in large part, been transferred to different articles within Chapter 72 and assigned new section numbers. In some cases, however, the subject matter of the section required transfer to another chapter, such as Chapter 13 or Chapter 74. A table of transferred sections and their newly assigned section numbers can be found at [https://www.ksrevisor.org/rpts/Chapter72\\_Transfer\\_Memo\\_and\\_Table.pdf](https://www.ksrevisor.org/rpts/Chapter72_Transfer_Memo_and_Table.pdf). The transferred sections are included in the 2017 supplement to the Kansas Statutes Annotated. Since nearly every statutory reference changed, only the statute numbers were changed and the phrase "2017 Supp." was left out of the citation. For example, K.S.A. 72-962 was changed to K.S.A. 72-3404, not K.S.A. 2017 Supp. 72-3404.

Kansas Special Education Regulations <https://www.ksde.org/Portals/0/SES/legal/Kansas-Regulations-KAR.pdf>

Kansas Special Education Statutes <https://www.ksde.org/Portals/0/SES/legal/Kansas-Statutes-KSA.pdf>

Federal Regulations Implementing the IDEA <https://www.ksde.org/Portals/0/SES/legal/Fed-34CFRPart300-IDEA.pdf> (2004)

Federal Supplemental Regulations, including revocation of consent (2008) <https://www.ksde.org/Portals/0/SES/legal/Fed-SuppReg-20081201.pdf>

In June 2018, Early Childhood, Special Education and Title Services was restructured into two teams, Early Childhood Team, and Special Education and Title Services (SETS).

Please contact our team if you have questions about information in this handbook:

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*4/2019 Corrections to multiple citations and minor wording changes; p10 Discontinuation of services added to Requirements chart; p25 and p28 revised MTSS wording; p34 revised Initial Evaluation flowchart; p50 revised 2. Determining Whether the Child Needs Special Education and Related Services; p56 revised 6. What are the qualifications of the people doing the assessment; p63 General Education Teacher for Children in Separate Settings; p76 added final sentence to b Measurable Annual Goals; p80 revised Transition Assessment; p93 modified q20 added q21; p97 revised 4. Related Services As Special Education Services; p107 revised Home Schooling; p111 revised 5. May an IEP include only related services; p115 Chapter 6, revisions throughout; p163 Chapter 10, Mediation forms may not be faxed; p171 Chapter 11, revisions throughout; p193 Disciplinary Violations Chart now vertical; p196 less than 11 consecutive school days.*

*5/21/19 Changes to Chapter 1 Section E. Consent for Use of Medicaid Consent for use for Private insurance split and clarified.*

*8/13/19 Changes to Chapter 9, Section D. making this section consistent with Chapter 1 Section E.*

*8/16/19 Changes to Chapter 7, Section G Corrected DD age & reevaluation info.*

*8/20/19 Added two questions and answers to Chapter 5, corrected Weapon definition citation Chapter 13, B. g. to K.S.A. 72-3433(g)(3)*

*9/24/19 Change to Chapter 5, Section B.3. Clarified out of district transportation.*

*11/25/19 Change to Chapter 12, Section C. District must hold, not just schedule, a resolution meeting.*

*11/26/19 and 12/9/19 Changes to Chapter 11: Complaints must be mailed or hand delivered, electronic filing only with approval by KSDE.*

*1/10/20 Chapter 10, corrected contact info, Chapter 13; Disciplinary Violations Chart now horizontal.*

*1/27/20 Chapter 5 Section H, corrected citations. Chapter 14 Section D, corrected transportation information, added related question to Q&A*

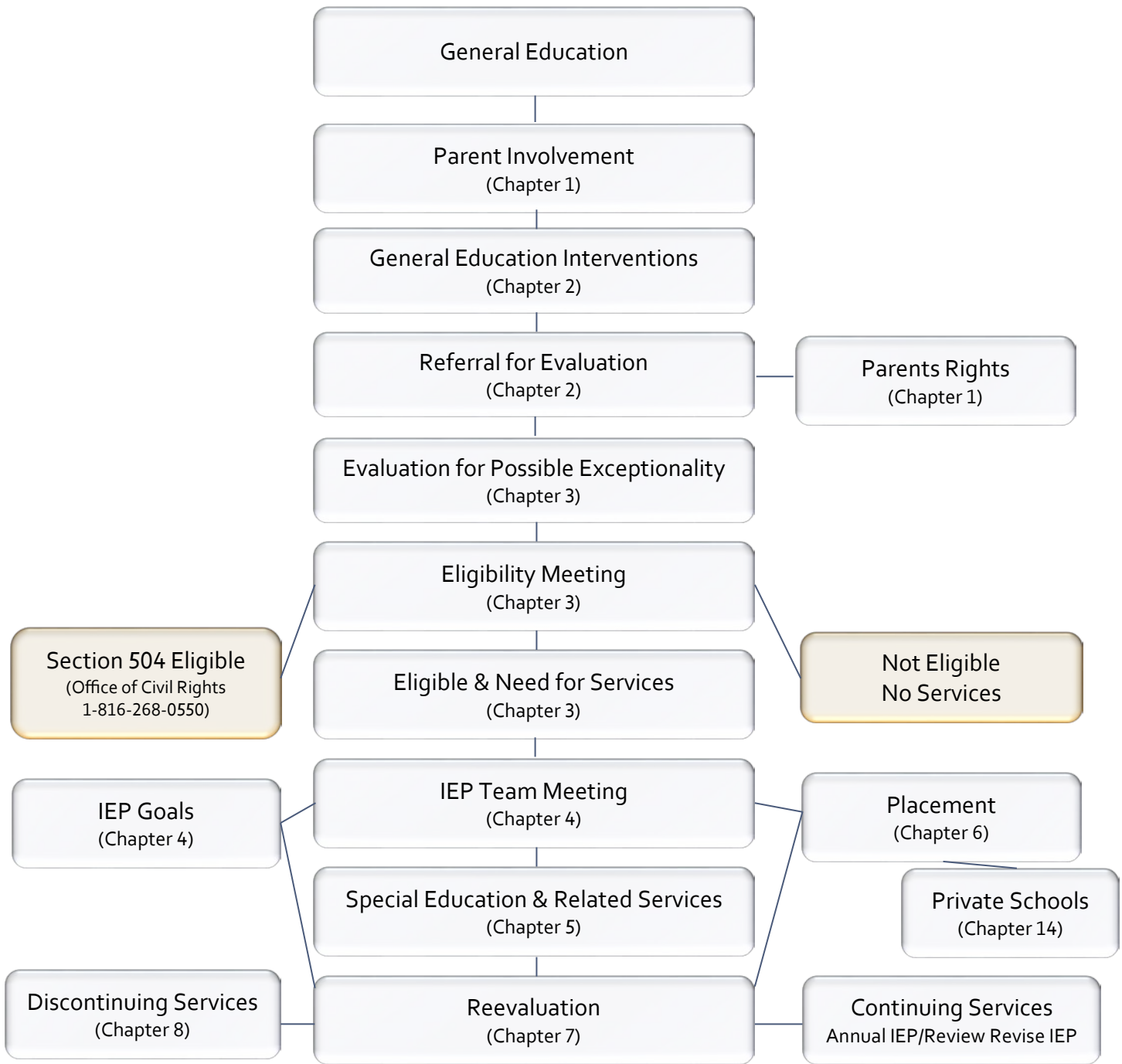
*2/5/20 Chapter 12, Section G and question 5 in Q&A, clarified appeal process*

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## STATE IMPOSED RULES, REGULATIONS, AND POLICIES IN KANSAS NOT REQUIRED BY IDEA 2004 OR FEDERAL REGULATIONS

- ✓ The categories of exceptionalities include the category of “gifted.” K.S.A. 72-3404(g)
- ✓ Exceptional children attending private schools are entitled to a Free Appropriate Public Education through an IEP, upon request. K.S.A. 72-3462 and K.A.R. 91-40-45(c).
- ✓ A school district must obtain written parental consent before making a change of 25% or more of a special education service or before making a change to a more restrictive or less restrictive educational environment for more than 25% of the school day. K.S.A. 72-3430(b)(6).
- ✓ Each IEP must include, beginning at age 14, appropriate measurable postsecondary goals and a statement of the transition services needed to assist the student in reaching the postsecondary goals. K.S.A. 72-3429(c)(8).
- ✓ The state complaint procedures include the right of a parent to appeal the written decision of the state complaint investigator. K.A.R. 91-40-51(f)(1).
- ✓ A due process hearing officer must be a licensed attorney. K.A.R. 91-40-29(b)(1)(a)
- ✓ General education interventions must be implemented prior to referring a child for a special education evaluation, unless school personnel can demonstrate such interventions are inadequate to address the areas of concern for the child or a parent has consented to an evaluation and the school district agrees that an evaluation is appropriate. K.A.R. 91-40-7(c)(1), (2) and (3).
- ✓ A written evaluation report is required after completion of an evaluation with regard to all categories of exceptionality (not just required for learning disabilities). K.A.R. 91-40-10(a).
- ✓ Facilities for exceptional children must be comparable to facilities for general education children and such facilities must provide an age appropriate environment for the exceptional children. K.A.R. 91-40-52(d).

SPECIAL EDUCATION PROCESS FLOW CHART



Special Considerations:

Confidentiality	Chapter 9	Formal Complaint	Chapter 12
Mediation	Chapter 10	Suspension/Expulsion	Chapter 13
Due Process	Chapter 11	<i>Code of Student Conduct and weapons, drugs, or dangerous behavior</i>	

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