

Kansas Administrative Regulations

State Department of Education

Article 40.—Special Education

91-40-31. Educational placement during proceedings.

(a) Except as otherwise provided in K.S.A. 72-993 and amendments thereto and this regulation, during the pendency of any special education due process or judicial proceeding, the child's educational placement shall be determined in accordance with K.S.A. 72-973 and amendments thereto.

(b) If a state review officer in an administrative appeal agrees with the parent's position as to the appropriate educational placement for the child, the child shall be educated in that placement during any further proceedings, unless the parent and agency agree to another placement or the child's placement is changed in accordance with K.S.A. 72-993 and amendments thereto.

(c) If the due process hearing involves the evaluation of or initial services for a child who is transferring from the infant and toddler program under the federal law because the child has reached three years of age, the agency shall not be required to provide the services that the child had been receiving under the infant and toddler program. However, if the child is determined to be eligible for special education and related services, the agency shall provide appropriate services to which the parent consents. (Authorized by K.S.A. 2007 Supp. 72-963; implementing K.S.A. 2007 Supp. 72-973 and 72-993; effective May 19, 2000; amended March 21, 2008.)

***** Authenticated Kansas Administrative Regulation *****