

## 2023 Kansas Statutes

**72-3434. Same; parental disagreement with determination; due process hearing and review.**

(a) The parent of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination under K.S.A. 72-3433, and amendments thereto, or an agency that believes that maintaining the current placement of a child is substantially likely to result in injury to the child or to others, may request a hearing.

(b) A hearing officer appointed under this act shall hear, and make the determination regarding, an appeal requested under subsection (a).

(c) In making the determination under subsection (b), the hearing officer may order a change in placement of the child. In such situations, the hearing officer may:

- (1) Uphold the manifestation determination;
- (2) uphold the interim alternative educational placement of the child;
- (3) return the child to the placement from which the child was removed; or
- (4) order a change in placement of the child to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of such child is substantially likely to result in injury to the child or to others.

**History:** L. 2005, ch. 171, § 18; July 1.