

**Division of Elementary and Secondary Education - Office of Special Education  
Advisory Council for the Education of Children with Disabilities  
Dispute Resolution, April 2022**

The following allegations were addressed in complaint investigation reports and due process hearing decisions completed in the previous quarter. An issue that has been substantiated by facts as determined by a complaint investigation team or due process hearing officer is followed by (S). An issue in which one or more allegations were substantiated while other allegations were not will be marked as partially substantiated (PS). An issue that was not substantiated is followed by (NS). Rendered decisions found to have no corrective action is followed by (No C/A).

**DUE PROCESS HEARING ISSUES**

**H-22-01**

1. failure to comply with provisions set forth in Part B of the Individuals with Disabilities Education Act (IDEA). Specifically, by failing to provide a free appropriate public education (FAPE). (S)

**H-22-13**

1. failure to comply with provisions set forth in Part B of the Individuals with Disabilities Education Act (IDEA). Specifically, by failing to provide a free appropriate public education (FAPE). (No C/A)

**H-22-19**

1. failure to comply with provisions set forth in Part B of the Individuals with Disabilities Education Act (IDEA). Specifically, by failing to provide a free appropriate public education (FAPE). (No C/A)

**EH-22-22**

1. failure to comply with provisions set forth in Part B of the Individuals with Disabilities Education Act (IDEA). Specifically, by failing to provide a free appropriate public education (FAPE). (S)

**H-22-24**

1. failure to comply with provisions set forth in Part B of the Individuals with Disabilities Education Act (IDEA). Specifically, by failing to provide a free appropriate public education (FAPE). (No C/A)

**H-22-25**

1. failure to comply with provisions set forth in Part B of the Individuals with Disabilities Education Act (IDEA). Specifically, by failing to provide a free appropriate public education (FAPE). (S)

## COMPLAINT INVESTIGATION ISSUES

### **C-22-09**

1. that the District failed to implement an IEP that addressed the Student's functional and behavioral needs. (NS)
2. that the District failed to implement the speech therapy services as written in the IEP. (NS)
3. that the District required the Student to attend PE which was documented on the IEP as not medically appropriate. (S)
4. that the District imposed restrictions on the Student not listed on the IEP resulting in limited access to typically developing peers. (NS)

### **C-22-11**

1. that the District failed to develop and implement an appropriate behavior plan. (NS)
2. that the District failed to have an appropriate Present Level of Academic Achievement and Functional Performance (PLAAFP) section of the IEP. (S)
3. that the District failed to document in the Student's IEP what was discussed and agreed to in the IEP meeting. (S)
4. that the District failed to consider recommendations from outside evaluations when developing the IEP. (N)
5. that the District failed to provide a free appropriate public education for the Student by requiring the Parent to seek outside psychiatric evaluations as a condition of returning to school because the parent immediately obtained the evaluation. (S)

### **C-22-12**

1. that the District failed to develop and implement an IEP for the Student that is reasonably calculated to allow for meaningful progress, specifically by not providing the accommodations and modifications listed in the IEP. (NS)
2. that the District failed to develop and implement an IEP for the Student that is reasonably calculated to allow for meaningful progress, specifically by not providing the behavioral supports listed in the IEP. (NS)
3. that the District failed to allow for meaningful parent participation by holding IEP Meetings without the parent in attendance. (NS)

**C-22-15**

1. that the District failed to develop and implement an IEP for the Student that is reasonably calculated to allow for meaningful progress, specifically that the District failed to implement the accommodations and modifications listed in the IEP. (NS)
2. that the District failed to develop and implement an IEP for the Student that is reasonably calculated to allow for meaningful progress, specifically that the District failed to provide behavioral supports. (NS)
3. that the District failed to evaluate in all areas of suspected disability. (NS)
4. that the District refused to evaluate the Student at the Parents request. (NS)
5. that the District failed to provide the complainant a copy of the IEP. (NS)
6. that then District changed placement of the Student without an IEP meeting or Notice of Action. (NS)
7. that the district refused to amend the Students records at the Complainant's request and did not offer an option for a hearing on the matter. (S)

**C-22-16**

1. that the District failed to develop and implement and IEP for the Student that is reasonably calculated to allow for meaningful progress, specifically that the District failed to provide behavioral supports. (NS)
2. that the District failed to develop and implement an IEP for the Student that is reasonably calculated to allow for meaningful progress, specifically that the District failed to consistently implement the IEP. (S)
3. that the District changed placement for the Student without an IEP meeting. (NS)
4. that the District failed to provide the Parent with a complete and timely Notice of Action. (NS)

**C-22-20**

1. that the District failed to develop and implement an IEP for the Student that is reasonably calculated to allow for meaningful progress, specifically that the District failed to provide access to the Student's educational program by denying transportation. (NS)
2. that the District failed to develop and implement an IEP for the Student that is reasonably calculated to allow for meaningful progress, specifically that the District failed develop and provide behavioral supports. (NS)
3. that the District failed to meet and address lack of expected progress toward goals and in the general curriculum. (S)

4. that the District failed to consider the relationship between the Student's behavior and disability during a Manifestation Determination Review. (NS)
5. that the District failed to provide the Parent with copies of due process paperwork including the IEP. (NS)

**C-22-21**

1. that the District failed to implement child find requirements of identifying, locating, and evaluating all children with disabilities. (S)

**C-22-22**

1. that the District failed to develop and provide behavioral supports. (NS)
2. that the District failed to provide accommodations and modifications listed in the IEP. (NS)
3. that the district failed to provide the related services listed in the IEP. (NS)

**OPEN HEARINGS**  
**(31)**

<b><u>Case#</u></b>	<b><u>School District</u></b>	<b><u>Status</u></b>
<b><u>2020</u></b>		
H-20-28	Heber Springs SD	Pending Compliance
H-20-29	El Dorado SD	Pending Compliance
<b><u>2021</u></b>		
H-21-01	Beebe SD	Pending Compliance
H-21-26	PCSSD	Pending Compliance
H-21-27	Palestine-Wheatley SD	Pending Compliance
H-21-31	PCSSD	Pending Compliance
H-21-32	Palestine-Wheatley SD	Pending Compliance
H-21-34	Benton SD	Pending Compliance
H-21-36	Greenbrier	Pending Compliance
H-21-37	Palestine-Wheatley SD	Pending Compliance
H-21-39	Palestine-Wheatley SD	Pending Hearing
<b><u>2022</u></b>		
H-22-01	Palestine-Wheatley SD	Pending Compliance
H-22-11	Ashdown SD	Pending Hearing
H-22-16	Greenbrier SD	Pending Hearing
H-22-18	Nevada SD	Pending Hearing
H-22-21	Marion SD	Pending Hearing
H-22-23	Bryant	Pending Hearing
H-22-24	LRSD	Pending Hearing

H-22-25	El Dorado	Pending Compliance
H-22-28	Bryant	Pending Hearing
H-22-30	Bryant	Pending Hearing
H-22-31	Cave City	Pending Hearing
H-22-32	Lawrence County	Pending Hearing
H-22-34	LRSO	Pending Hearing
H-22-35	Searcy	Pending Hearing
H-22-36	Jasper	Pending Hearing
H-22-37	Lisa Academy	Pending Hearing
H-22-38	Benton	Pending Hearing
H-22-39	Hazen	Pending Hearing
H-22-40	Conway	Pending Hearing
H-22-41	PCSSD	Pending Hearing

**CLOSED HEARINGS**  
**(13)**

<b><u>Case#</u></b>	<b><u>School District</u></b>	<b><u>Status</u></b>
<b><u>2016</u></b>		
H-16-14	LRSO	Met Compliance
<b><u>2021</u></b>		
H-21-38	Palestine-Wheatley SD	Met Compliance
H-21-02	Mayflower SD	Met Compliance
H-21-07	Mayflower SD	Met Compliance
<b><u>2022</u></b>		
H-22-13	El Dorado	Dismissed
H-22-17	Harmony Grove SD	Dismissed
H-22-19	LRSO	Dismissed
H-22-20	NLRSO	Dismissed
EH-22-22	NLRSO	Dismissed
H-22-26	Mayflower	Dismissed
H-22-27	Greenbrier	Dismissed
H-22-29	Mayflower	Dismissed
H-22-33	Hope	Dismissed

**OPEN COMPLAINTS**  
**(10)**

<b><u>Case#</u></b>	<b><u>School District</u></b>	<b><u>Status</u></b>
<b><u>2021</u></b>		
C-21-20	Southside SD	Pending Compliance

**2022**

C-22-04	Vilonia SD	Pending Compliance
C-22-15	Mayflower SD	Pending Compliance
C-22-16	Mayflower SD	Pending Compliance
C-22-20	Lakeside SD	Pending Compliance
C-22-21	Paragould SD	Pending Compliance
C-22-24	Hope SD	Pending Investigation
C-22-25	LISA Academy	Pending Investigation
C-22-27	Decatur SD	Pending Investigation
C-22-28	West Memphis	Pending Investigation

**CLOSED COMPLAINTS**

**(8)**

**Case#**                      **School District**                      **Status**

**2022**

C-22-06	El Dorado SD	Closed
C-22-09	Ft. Smith SD	Closed/Met compliance
C-22-11	Lavaca SD	Closed/Met compliance
C-22-12	Green County Tech SD	Closed/No C/A
C-22-17	Elkins SD	Withdrawn
C-22-22	Quitman SD	Closed/No C/A
C-22-23	Lakeside	Denied
C-22-26	Bentonville SD	Denied