

**Division of Elementary and Secondary Education - Office of Special Education
Advisory Council for the Education of Children with Disabilities
Dispute Resolution, April 2023**

The following allegations were addressed in due process hearing decisions and complaint investigation reports completed in the previous quarter. An issue that has been substantiated by facts as determined by a due process hearing officer or complaint investigation team 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-23-02

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). (NS)

EH-23-14

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)

OPEN HEARINGS
(27)

<u>Case#</u>	<u>School District</u>	<u>Status</u>
<u>2021</u>		
H-21-32	Palestine-Wheatley SD	Pending Compliance
H-21-34	Benton SD	Pending Compliance
H-21-39	Palestine-Wheatley SD	Pending Compliance
<u>2022</u>		
H-22-01	Palestine-Wheatley SD	Pending Compliance
H-22-25	EI Dorado SD	Pending Compliance
H-22-34	LRSD	Pending Compliance
H-22-38	Benton SD	Pending Compliance

2023

H-23-06	Paragould SD	Pending Hearing
H-23-08	Vilonia SD	Pending Hearing
H-23-10	LRSD	Pending Hearing
H-23-13	Quitman SD	Pending Hearing
EH-23-14	Booneville SD	Pending Compliance
H-23-16	Booneville SD	Pending Hearing
H-23-17	Palestine-Wheatley SD	Pending Compliance
H-23-18	PCSSD	Pending Hearing
H-23-22	Vilonia SD	Pending Hearing
H-23-23	Vilonia SD	Pending Hearing
H-23-24	Greenbrier SD	Pending Hearing
H-23-25	Greenwood SD	Pending Hearing
H-23-26	LRSD	Pending Hearing
H-23-27	Marion SD	Pending Hearing
H-23-29	LRSD	Pending Hearing
H-23-30	Vilonia SD	Pending Hearing
H-23-31	Conway SD	Pending Hearing
H-23-32	Vilonia SD	Pending Hearing
H-23-34	Harrisburg SD	Pending Hearing
H-23-35	Vilonia SD Pending	Pending Hearing

CLOSED HEARINGS

(7)

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

2023

H-23-02	Greenwood SD	Decision Issued/No CA
H-23-12	Arch Ford Co-op/Quitman SD	Dismissed
H-23-19	Quitman SD	Dismissed
H-23-20	Malvern SD	Dismissed
H-23-21	Quitman SD	Dismissed
H-23-28	LRSD	Dismissed
H-23-33	Hazen SD	Dismissed

COMPLAINT INVESTIGATION ISSUES

C-23-12

1. that the District failed to develop and provide behavioral supports including a Behavior Intervention Plan (NS).
2. that the District changed placement to a more restrictive setting than needed (S).
3. that the District utilized frequent short term removals and “soft removals” as a means to address behavior, resulting in a change of placement (NS).
4. that the District failed to conduct a Manifestation Determination Review prior to a change in placement due to behavior (NS).

C-23-13

1. that the District failed to develop and implement an IEP for the Student that is reasonably calculated to allow for meaningful progress by not following the IEP as written (S).
2. that the District failed to provide a Free Appropriate Public Education (FAPE) due to the Student being bullied (NS).

C-23-14

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 did not follow the IEP as written by not providing accommodations and modifications as listed in the IEP (S).
2. that the District failed to allow for meaningful participation by not providing notification of progress toward goals (S).

C-23-16

1. that the District failed to develop and implement an IEP for the Student that is reasonably calculated to allow for meaningful progress (NS).
2. that the District failed to provide an adequate program by shortening the school day and no return plan in place (NS).
3. that the District failed to provide a Free Appropriate Public Education (FAPE) by requiring the parent’s private insurance to fund counseling services at school (NS).

C-23-19

1. that the District failed to develop and implement and Individualized Education Program (IEP) for the Student that is reasonably calculated to allow for meaningful

progress [8.0101], specifically that the District did not follow the IEP as written by not providing the accommodations and modifications listed in the IEP resulting in incorrect grades (S).

OPEN COMPLAINTS
(15)

<u>Case#</u>	<u>School District</u>	<u>Status</u>
<u>2022</u>		
C-22-20	Lakeside Chicot SD	Pending Compliance
C-22-25	LISA Academy	Pending Compliance
C-22-28	West Memphis SD	Pending Compliance
C-22-33	White Hall SD	Pending Compliance
C-22-34	KIPP Delta SD	Pending Compliance
<u>2023</u>		
C-23-13	Jacksonville North Pulaski SD	Pending Compliance
C-23-14	PCSSD	Pending Compliance
C-23-19	Texarkana SD	Pending Compliance
C-23-20	Spring Hill SD	Pending Investigation
C-23-21	LRSD	Pending Investigation
C-23-22	AR School for the Deaf	Pending Investigation
C-23-23	Lamar SD	Pending Investigation
C-23-24	England SD	Pending Investigation
C-23-25	Cutter Morning Star SD	Pending Investigation
C-23-26	Benton SD	Pending Investigation

CLOSED COMPLAINTS
(7)

<u>Case#</u>	<u>School District</u>	<u>Status</u>
<u>2022</u>		
C-22-27	Decatur SD	Met Compliance
<u>2023</u>		
C-23-05	Jonesboro/Crowley's Ridge SD	Met Compliance
C-23-12	PCSSD	Met Compliance
C-23-15	Texarkana SD	Withdrawn
C-23-16	Springdale SD	Closed No C/A
C-23-17	Cabot SD	Withdrawn
C-23-18	Lakeside SD	Withdrawn