

**Division of Elementary and Secondary Education - Office of Special Education  
Advisory Council for the Education of Children with Disabilities  
Dispute Resolution, January 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-21-13**

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) (NS)

**H-21-18**

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)

**H-21-38**

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)

**H-21-36**

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)

**H-22-05**

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)

## **COMPLAINT INVESTIGATION ISSUES**

### **C-22-04**

1. that the District failed to develop and implement an Individual Education Program (IEP) for the Student that is reasonably calculated to allow for meaningful progress [8.01.1], specifically:
  - a. that the District failed to provide appropriate speech services,
  - b. that the District failed to provide a sensory room,
  - c. that the District removed academic goals without supporting data,
  - d. that the District failed to provide a 1:1 paraprofessional, and
  - e. that the District failed to adhere to the schedule of services;
2. that the District failed to have an appropriate IEP team [8.05.1.1(F)], by not including the paraprofessional as a member of the team, and
3. that the District failed to allow the Parent to examine records [9.02.1.2(B)], by not providing the speech therapy logs to the Parent.

### **C-22-05**

1. That the District failed to identify, locate and evaluate the Student in need of special education and related services [3.01.1].

### **C-22-06**

1. that the District failed to comply with the Hearing Officer's order in H-20-29 by not completing the Hearing Officer's order as written resulting in a "stay put" violation (12.07.1.3).

### **C-22-07**

1. that the District failed to develop and implement an Individual Education Program (IEP) for the Student that is reasonably calculated to allow for meaningful progress 34 CFR 300.324 (b)(2) and [8.01.1], specifically by delaying the placement of the student when they had the IEP in place. (NS)
2. that the District failed to provide a free appropriate public education for the student 34 CFR 300.17 (a) and [5.01.1], by requiring the parent to seek outside summer school services as a condition of promotion of the seventh grade. (NS)
3. that the District failed to revise the IEP as appropriate to address any lack of expected progress toward the annual goals as described in 34 CFR 300.320(a)(2) and [8.04.3.2] before recommending retention of the Student. (NS)

## **OPEN HEARINGS**

**(22)**

<b><u>Case#</u></b>	<b><u>School District</u></b>	<b><u>Status</u></b>
<b><u>2016</u></b>		
H-16-14	LRSD	Pending Compliance
<b><u>2020</u></b>		
H-20-28	Heber Springs SD	Pending Compliance
H-20-29	El Dorado SD	Pending Compliance

**2021**

H-21-01	Beebe SD	Pending Compliance
H-21-02	Mayflower SD	Pending Compliance
H-21-07	Mayflower SD	Pending Compliance
H-21-26	PCSSD	Pending Compliance
H-21-27	Palestine-Wheatley SD	Pending Compliance
H-21-32	Palestine-Wheatley SD	Pending Compliance
H-21-34	Benton SD	Pending Compliance
H-21-37	Palestine-Wheatley SD	Pending Compliance
H-21-38	Palestine-Wheatley SD	Pending Compliance
H-21-39	Palestine-Wheatley SD	Pending Hearing

**2022**

H-22-01	Palestine-Wheatley SD	Pending Compliance
H-22-11	Ashdown SD	Pending Hearing
H-22-13	El Dorado SD	Pending Hearing
H-22-16	Greenbrier SD	Pending Hearing
H-22-17	Harmony Grove SD	Pending Hearing
H-22-18	Nevada SD	Pending Hearing
H-22-19	LRSD	Pending Hearing
H-22-20	NLRSD	Pending Hearing
H-22-21	Marion SD	Pending Hearing

**CLOSED HEARINGS****(28)**

<b><u>Case#</u></b>	<b><u>School District</u></b>	<b><u>Status</u></b>
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**2020**

H-20-02	Monticello SD	Met Compliance/Closed
H-20-09	Russellville SD	Met Compliance/Closed
H-20-15	Atkins SD	Met Compliance/Closed
H-20-22	Lakeside SD (Chicot)	Dismissed
H-20-34	Russellville SD	Dismissed

**2021**

H-21-02	Monticello SD	Dismissed
H-21-11	Greenbrier SD	Dismissed
H-21-13	Atkins SD	Dismissed
H-21-18	Atkins SD	Dismissed
H-21-21	Atkins SD	Dismissed
H-21-23	Russellville SD	Closed Settlement
H-21-28	Pocahontas SD	Dismissed
H-21-29	Helena-West Helena SD	Dismissed
H-21-30	Academics Plus Charter SD	Dismissed
H-21-31	PCSSD	Met Compliance/Closed
H-21-33	Academics Plus Charter SD	Dismissed
H-21-35	Lawrence Co. SD	Dismissed

**2022**

H-22-03	Greenwood SD	Dismissed
H-22-04	Van Buran SD	Dismissed
H-22-05	Benton SD	Dismissed
H-22-06	Poyen SD	Dismissed
H-22-07	Monticello SD	Dismissed
H-22-08	Cabot SD	Dismissed
H-22-09	Beebe SD	Dismissed
H-22-10	Melbourne SD	Dismissed
H-22-12	Cabot SD	Dismissed
H-22-14	Beebe SD	Dismissed
H-22-15	Cabot SD	Dismissed

**OPEN COMPLAINTS**

(9)

<b><u>Case#</u></b>	<b><u>School District</u></b>	<b><u>Status</u></b>
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**2021**

C-21-20	Southside SD	Pending Compliance
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**2022**

C-22-04	Vilonia SD	Pending Compliance
C-22-06	El Dorado SD	Abeyance
C-22-09	Ft. Smith SD	Pending Investigation
C-22-11	Lavaca SD	Pending Investigation
C-22-12	Green County Tech SD	Pending Investigation
C-22-15	Mayflower SD	Pending Investigation
C-22-16	Mayflower SD	Pending Investigation
C-22-17	Elkins SD	Pending Investigation

**CLOSED COMPLAINTS**

(11)

<b><u>Case#</u></b>	<b><u>School District</u></b>	<b><u>Status</u></b>
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**2021**

C-21-06	KIPP Delta SD	Met Compliance/Closed
C-21-25	Bryant SD	Met Compliance/Closed

**2022**

C-22-01	PCSSD	Met Compliance/Closed
C-22-05	PCSSD	Closed No C/A
C-22-07	LRSD/ASD	Closed No C/A
C-22-08	Benton SD	Withdrawn
C-22-10	PCSSD	Withdrawn
C-22-13	Watson Chapel SD	Denied
C-22-14	Cabot SD	Denied
C-22-18	LRSD	Denied
C-22-19	LRSD	Denied