

**Division of Elementary and Secondary Education - Office of Special Education
Advisory Council for the Education of Children with Disabilities
Dispute Resolution, January 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-21-39

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)

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
(25)

<u>Case#</u>	<u>School District</u>	<u>Status</u>
<u>2021</u>		
H-21-27/37	Palestine-Wheatley SD	Pending Compliance
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
<u>2023</u>		
H-23-02	Greenwood SD	Pending Hearing

H-23-06	Paragould SD	Pending Hearing
H-23-08	Vilonia SD	Pending Hearing
H-23-10	LRSD	Pending Hearing
H-23-12	Arch Ford Co-op/Quitman SD	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 Hearing
H-23-18	PCSSD	Pending Hearing
H-23-19	Quitman SD	Pending Hearing
H-23-20	Malvern SD	Pending Hearing
H-23-21	Quitman SD	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

CLOSED HEARINGS
(16)

<u>Case#</u>	<u>School District</u>	<u>Status</u>
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2022

H-22-16/27	Greenbrier SD	Dismissed
H-22-41	PCSSD	Dismissed
H-22-42	Lawrence County	Dismissed
H-22-45	Lawrence County	Dismissed
EH-22-46	Searcy	Dismissed
H-22-47	LRSD	Dismissed
H-22-51	Marion SD	Dismissed
H-22-52	Palestine-Wheatley SD	Dismissed

2023

H-23-01	Harmony Grove	Dismissed
H-23-03	Marion SD	Dismissed
H-23-04	Jacksonville Pulaski North	Dismissed
H-23-05	Beebe SD	Dismissed
H-23-07	Nevada SD	Dismissed
EH-23-11	Harmony Grove SD	Dismissed
H-23-15	Searcy SD	Dismissed

COMPLAINT INVESTIGATION ISSUES

C-23-04

1. that the District failed to conduct a timely evaluation to determine eligibility for services and related services (NS)
2. 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 specifically, that the District failed to develop and provide the support of a 1:1 aide (NS)
3. that the District failed to conduct an IEP meeting without required team members providing input into the process (NS)
4. that the District failed to update progress toward goals in the IEP (NS)

C-23-05

1. that the District changed placement without an IEP meeting (NS)
2. 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 specifically, that the District failed to provide appropriate supervision (S)
4. that the District failed educate the student in the Least Restrictive Environment (S)

C-23-06

1. that the District failed to develop an IEP with the needed services (NS)
2. that the District failed to develop and provide the support of a 1:1 aide (NS)
3. that the District failed to provide behavioral supports (NS)
4. that the District failed to utilize a crisis room (NS)

C-23-07

1. that the District changed students' placement without convening an IEP meeting (NS)
2. that the District failed to develop and implement an Individualized Education Program (IEP) for the students that is reasonably calculated to allow for meaningful progress. Specifically, that the District failed to implement the IEP as written (NS)
3. that the District failed to provide meaningful parent participation by not providing prior written notice to the parent [9.04.1.1] and not allowing the parent to participate in the IEP decision-making process (NS)

C-23-09

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 specifically, that the District failed implement the accommodations listed in the IEP resulting in a denial of participation in an extra-curricular activity (NS)

OPEN COMPLAINTS
(12)

<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-22-27	Decatur SD	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-23-05	Jonesboro/Crowley's Ridge SD	Pending Compliance
C-23-12	PCSSD	Pending Compliance
C-23-13	Jacksonville North Pulaski SD	Pending Compliance
C-23-14	PCSSD	Pending Investigation
C-23-15	Texarkana SD	Pending Investigation
C-23-16	Springdale SD	Pending Investigation

CLOSED COMPLAINTS
(7)

<u>Case#</u>	<u>School District</u>	<u>Status</u>
<u>2023</u>		
C-23-04	Marion SD	Closed No C/A
C-23-06	Jacksonville Pulaski North SD	Closed No C/A
C-23-07	West Memphis SD	Closed No C/A
C-23-08	Green Forrest SD	Denied
C-23-09	El Dorado SD	Closed No C/A
C-23-10	Bismark SD	Denied
C-23-11	Pine Bluff SD	Denied