

**Division of Elementary and Secondary Education - Office of Special Education
Advisory Council for the Education of Children with Disabilities
Dispute Resolution, July 2021**

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-20-29

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-21-08

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-21-17

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-21-24

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) (NS)

COMPLAINT INVESTIGATION ISSUES

C-21-18

1. that the District failed to develop and implement an IEP for the Student that is reasonably calculated to allow for meaningful progress
 - a. that the District did not follow appropriate virtual instruction for remote learning students (S)
 - b. that the District failed to implement the accommodations and modifications in all of the Student's classes (NS)

2. that the District failed to provide an evaluation by refusing or delaying the evaluation process (NS)
3. that the District failed to follow procedural requirements by not providing written notice of conference to the parents (S)
4. that the District failed to provide access to the Student's educational records (NS)

C-21-19

1. that the District failed to follow procedural requirements by failing to provide an Independent Education Evaluation (NS)
2. that the District failed to follow procedural requirements by failing to complete required corrective actions of State Complaint C-21-10 (NS)
3. that the District failed to implement and develop an IEP for the Student that is reasonably calculated to allow for meaningful progress by failing to provide services during the school closures of inclement weather (NS)
4. that the District failed to develop and implement an IEP for the Student that is reasonably calculated to allow for meaningful progress by refusing to schedule an IEP meeting at parent request (NS)

C-21-20

1. that the District failed to provide a free appropriate public education (FAPE) for multiple students by failing to provide Related Services for students from March 17, 2020 through the end of the school year (S)
2. that the District did not provide a free appropriate public education (FAPE) for multiple students, specifically by failing to provide accommodations and modifications listed in students' IEPs during remote or alternative methods of instruction (AMI) days from March 17, 2020 through the end of the school year, and from February 10, 2021, through February 19, 2021 (NS)
3. that the District failed to provide a free appropriate public education (FAPE) for multiple students, specifically by removing occupational therapy (OT) and physical therapy (PT) services from students' IEPs without data to support those decisions (NS)
4. that the District released personally identifiable information to individuals who did not have the right to see those records by laying all student accommodations pages in the open (NS)
5. that the District exceeded allowable limits for teacher caseloads (S)
6. that the District denied parent participation in the IEP process by holding meetings without parents and signing forms without their consent (NS)
7. that the District failed to consider ESY services (S)

C-21-21

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 developing and implementing an appropriate program to address the Student's reading deficit (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 pre-determined the Student's ability to adhere to the attendance policy (NS)
3. that the District failed to develop and implement an IEP that is reasonably calculated to allow for meaningful progress, specifically by failing to develop appropriate present levels of academic achievement and functional performance (PLAAFP) (NS)
4. that the District failed to provide an appropriate prior written notice to the parent (NS)

C-21-22

1. that the District failed to implement child find requirements of identifying, locating, and evaluating all children with disabilities, specifically the children at Little Creek Facility (NS)

OPEN HEARINGS**(28)**

<u>Case#</u>	<u>School District</u>	<u>Status</u>
<u>2016</u>		
H-16-14	LRSD	Pending Compliance
<u>2020</u>		
H-20-02	Monticello SD	Pending Compliance
H-20-09	Russellville SD	Pending Compliance
H-20-15	Atkins SD	Pending Compliance
H-20-22	Lakeside SD (Chicot)	Pending Compliance
H-20-28	Heber Springs SD	Pending Compliance
H-20-29	El Dorado SD	Pending Compliance
H-20-34	Russellville SD	Pending Hearing
<u>2021</u>		
H-21-01	Beebe SD	Pending Compliance
H-21-02	Mayflower SD	Pending Compliance
H-21-07	Mayflower SD	Pending Compliance
H-21-11	Greenbrier SD	Pending Hearing
H-21-13	Atkins SD	Pending Hearing
H-21-18	Atkins SD	Pending Hearing
H-21-21	Atkins SD	Pending Hearing
H-21-23	Russellville SD	Pending Hearing
H-21-26	PCSSD	Pending Hearing
H-21-27	Palestine-Wheatley SD	Pending Hearing
H-21-28	Pocahontas SD	Pending Hearing
H-21-29	Helena-West Helena SD	Pending Hearing
H-21-30	Academics Plus Charter SD	Pending Hearing
H-21-31	PCSSD	Pending Hearing
H-21-32	Palestine-Wheatley SD	Pending Hearing
H-21-33	Academics Plus	Pending Hearing
H-21-34	Benton SD	Pending Hearing
H-21-35	Lawrence Co. SD	Pending Hearing
H-21-36	Greenbrier SD	Pending Hearing
H-21-37	Palestine-Wheatley SD	Pending Hearing

CLOSED HEARINGS

(5)

<u>Case#</u>	<u>School District</u>	<u>Status</u>
<u>2021</u>		
H-21-08	El Dorado SD	No C/A Closed
H-21-17	Lead Hill SD	No C/A Closed
H-21-24	El Dorado SD	No C/A Closed
H-21-25	Calico Rock SD	Dismissed
H-21-28	Pocahontas SD	Dismissed

OPEN COMPLAINTS

(6)

<u>Case#</u>	<u>School District</u>	<u>Status</u>
<u>2021</u>		
C-21-06	KIPP Delta SD	Pending Compliance
C-21-09	Southside SD	Pending Compliance
C-21-18	Hope SD	Pending Compliance
C-21-20	Southside SD	Pending Compliance
C-21-23	Bentonville SD	Pending Report
C-21-25	Bryant SD	Pending Report

CLOSED COMPLAINTS

(7)

<u>Case#</u>	<u>School District</u>	<u>Status</u>
<u>2021</u>		
C-21-01	LISA Academy	Met compliance/Closed
C-21-10	Bentonville SD	Met Compliance/Closed
C-21-15	Bentonville SD	Met Compliance/Closed
C-21-19	Bentonville SD	No C/A Closed
C-21-21	Bentonville SD	No C/A Closed
C-21-22	Conway SD	No C/A Closed
C-21-24	Marion SD	No C/A Closed