

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

No Due Process Hearing Decisions issued during this quarter.

OPEN HEARINGS
(26)

<u>Case#</u>	<u>School District</u>	<u>Status</u>
<u>2020</u>		
H-20-28	Heber Springs SD	Pending Compliance
H-20-29	El Dorado SD	Pending Compliance
<u>2021</u>		
H-21-01	Beebe SD	Pending Compliance
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-21-36	Greenbrier	Pending Compliance
H-21-39	Palestine-Wheatley SD	Pending Hearing
<u>2022</u>		
H-22-01	Palestine-Wheatley SD	Pending Compliance
H-22-11	Ashdown SD	Pending Hearing
H-22-16/27	Greenbrier SD	Pending Hearing
H-22-25	El Dorado SD	Pending Compliance
H-22-30	Bryant SD	Pending Hearing
H-22-31	Cave City SD	Pending Hearing
H-22-34	LRSD	Pending Hearing
H-22-35	Searcy SD	Pending Hearing

H-22-36	Jasper SD	Pending Hearing
H-22-37	Lisa Academy SD	Pending Hearing
H-22-38	Benton SD	Pending Hearing
H-22-39	Hazen SD	Pending Hearing
H-22-40	Conway SD	Pending Hearing
H-22-43	Academics Plus	Pending Hearing
H-22-44	Beebe SD	Pending Hearing
H-22-48	Cave City SD	Pending Hearing
H-22-50	Marion SD	Pending Hearing
H-22-51	Marion SD	Pending Hearing

CLOSED HEARINGS
(12)

<u>Case#</u>	<u>School District</u>	<u>Status</u>
<u>2021</u>		
H-21-26	PCSSD	Met Compliance
H-21-31	PCSSD	Met Compliance
<u>2022</u>		
H-22-18	Nevada SD	Dismissed
H-22-21	Marion SD	Dismissed
H-22-23	Bryant SD	Dismissed
H-22-24	LRSD	Dismissed
H-22-28	Bryant SD	Dismissed
H-22-32/42/45	Lawrence Co. SD	Dismissed
H-22-41	PCSSD	Dismissed
EH-22-46	Searcy SD	Dismissed
H-22-47	LRSD	Dismissed
H-22-49	Magnet Cove SD	Dismissed

COMPLAINT INVESTIGATION ISSUES

C-22-24

1. that the District failed to provide accommodations and modifications listed in the IEP.
(NS)
2. that the District failed the direct specialization instruction listed in the IEP. (NS)
3. that the District failed to provide the Parent a copy of educational records upon request.
(NS)

C-22-25

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 develop and provide behavioral supports. (S)
2. that the District failed to provide the Student a Free and Appropriate Public Education (FAPE) by failing to meet to address lack of expected progress toward goals in general curriculum. (S)
3. that the District failed to provide a Free Appropriate Public Education (FAPE) 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-22-27

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 behavioral supports including a Behavioral Intervention Plan. (S)
2. that the District failed to provide equitable access to the Student's educational program by providing a limited virtual setting. (S)
3. that the District failed to convene the IEP team when changing placement. (S)
4. that the District failed to evaluate in all areas of suspected disability. (S)
5. that the District failed to conduct a Functional Behavioral Assessment. (S)
6. that the District failed to consider all areas of suspected disability during Manifestation Determination Review. (S)
7. that the District failed to conduct MDR without needed team members. (NS)
8. that the District failed to provide to Parent copies of due process paperwork. (NS)

C-22-28

1. that the District failed to implement Child Find requirements of identifying, locating, and evaluating all children with disabilities. (S)
2. that the District failed to conduct timely evaluation to determine eligibility for service and related services. (S)
3. that the District failed to provide the Parent with a copy of educational records upon request. (NS)

C-22-30

1. that the District failed to conduct a timely referral for special education services. (NS)

OPEN COMPLAINTS

(10)

<u>Case#</u>	<u>School District</u>	<u>Status</u>
<u>2022</u>		
C-22-20	Lakeside Chicot SD	Pending Compliance
C-22-21	Paragould 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 Investigation
C-22-34	KIPP Delta SD	Pending Investigation
C-22-35	Bentonville SD	Pending Investigation
C-22-37	Magnet Cove SD	Pending Investigation
C-22-38	Magnet Cove SD	Pending Investigation

CLOSED COMPLAINTS

(8)

<u>Case#</u>	<u>School District</u>	<u>Status</u>
<u>2022</u>		
C-21-20	Southside SD	Closed/Met Compliance
C-22-15	Mayflower SD	Closed/Met Compliance
C-22-16	Mayflower SD	Closed/Met Compliance
C-22-29	Rogers SD	Withdrawn
C-22-30	Arkadelphia SD	Closed/No C/A
C-22-31	West Memphis SD	Denied
C-22-32	Hope SD	Withdrawn
C-22-36	Midland SD	Denied