

**Division of Elementary and Secondary Education - Office of Special Education
Advisory Council for the Education of Children with Disabilities
Dispute Resolution, July 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-23-10

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-23-13

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). (S)

H-23-18

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). (S)

H-23-22/30 (combined)

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
(22)

| <u>Case#</u> | <u>School District</u> | <u>Status</u> |
|---------------------|-------------------------------|----------------------|
| <u>2021</u> | | |
| H-21-32 | Palestine-Wheatley SD | Pending Compliance |

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| H-21-39 | Palestine-Wheatley SD | Pending Compliance |
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2022

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| H-22-01 | Palestine-Wheatley SD | Pending Compliance |
| H-22-25 | El Dorado SD | Pending Compliance |

2023

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|------------|-----------------------|--------------------|
| H-23-08 | Vilonia SD | Pending Hearing |
| H-23-13 | Quitman SD | Pending Compliance |
| H-23-17 | Palestine-Wheatley SD | Pending Compliance |
| H-23-18 | PCSSD | Pending Compliance |
| H-23-22/30 | Vilonia SD | Pending Compliance |
| 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-23-29 | LRSD | Pending Hearing |
| H-23-31 | Conway SD | Pending Hearing |
| H-23-32 | Vilonia SD | Pending Hearing |
| H-23-35 | Vilonia SD | Pending Hearing |
| H-23-36 | Bradford SD | Pending Hearing |
| H-23-37 | PCSSD | Pending Hearing |
| H-23-38 | Malvern SD | Pending Hearing |
| H-23-39 | Bentonville SD | Pending Hearing |

CLOSED HEARINGS
(11)

| <u>Case#</u> | <u>School District</u> | <u>Status</u> |
|---------------------|-------------------------------|----------------------|
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2021

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| H-21-34 | Benton SD | Met Compliance |
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2022

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| H-22-34 | LRSD | Met Compliance |
| H-22-38 | Benton SD | Met Compliance |

2023

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| H-23-06 | Paragould SD | Dismissed |
| H-23-10 | LRSD | Closed No C/A |
| EH-23-14 | Booneville SD | Met Compliance |
| H-23-16 | Booneville SD | Dismissed |
| H-23-18 | PCSSD | Met Compliance |
| H-23-27 | Marion SD | Dismissed |
| H-23-34 | Harrisburg SD | Dismissed |
| H-23-40 | PCSSD | Dismissed |

COMPLAINT INVESTIGATION ISSUES

C-23-20

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 addressing the Student's mental health needs. (S).
2. that the District denied FAPE by not following District procedures when the Student was bullied (S).
3. that the District placed the burden for access to FAPE on the parent (NS).
4. that the District failed to conduct a Manifestation Determination prior to changing placement (NS).

C-23-21

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 by not providing the accommodations and modifications listed in the IEP (S).

C-23-22

1. that the District failed to provide meaningful parent participation by failing to give the Parent timely notice of conference (S).
2. that the District of Attendance failed to provide meaningful parent participation by not including the purpose of the meeting on the Notice of Conference Form (S).
3. that the District of Attendance failed to provide meaningful parent participation by not having all the required IEP team members during the meeting (S).
4. that the District of Attendance conducted a Functional Behavior Assessment without informed written consent (S).
5. 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 IEP did not meet the behavioral needs of the Student (S).
6. that the District of Attendance failed to develop and implement an IEP for the Student that is reasonably calculated to allow for meaningful progress, specifically, that the related service of transportation was not provided (S).
7. that the District denied FAPE by refusing to provide educational services. The DESE- OSE Investigative team determined that the Student was not provided educational services during times of removal from the learning environment (S).

C-23-23

1. that the District failed to conduct a Manifestation Determination Review after multiple suspensions that resulted in a change of placement (S).
2. that the District failed to revise the IEP as appropriate to address any lack of progress toward the annual goals as described in 34 CFR 300.320(a)(2) and [8.04.3.2] before giving failing grades to the Student (NS).

C-23-25

1. that District failed to develop and implement an IEP for the Student that is reasonably calculated to allow for meaningful progress, specifically by not following the IEP as written (S)

C-23-28

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 (S).
2. that the IEP did not meet the literacy needs of the Student (S).

OPEN COMPLAINTS**(19)**

| <u>Case#</u> | <u>School District</u> | <u>Status</u> |
|---------------------|-------------------------------|-----------------------|
| <u>2022</u> | | |
| 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-23-20 | Spring Hill SD | Pending Compliance |
| C-23-21 | LRSB | Pending Compliance |
| C-23-22 | AR School for the Deaf | Pending Compliance |
| C-23-23 | Lamar SD | Pending Compliance |
| C-23-25 | Cutter Morning Star SD | Pending Compliance |
| C-23-27 | Melbourne SD | Pending Investigation |
| C-23-28 | Warren SD | Pending Compliance |
| C-23-29 | Springdale SD | Pending Investigation |
| C-23-30 | NLRSD | Pending Investigation |
| C-23-31 | Texarkana SD | Pending Investigation |
| C-23-33 | Barton Lexa SD | Pending Investigation |
| C-23-36 | NLRSD | Pending Mediation |
| C-23-37 | LISA Academy | Pending Mediation |

CLOSED COMPLAINTS

(6)

| <u>Case#</u> | <u>School District</u> | <u>Status</u> |
|---------------------|-------------------------------|----------------------|
| <u>2023</u> | | |
| C-23-19 | Texarkana | Met Compliance |
| C-23-24 | England SD | Withdrawn |
| C-23-26 | Benton SD | Closed No C/A |
| C-23-32 | Bentonville SD | Withdrawn |
| C-23-34 | Lonoke SD | Denied |
| C-23-35 | PCSSD | Denied |