

**Division of Elementary and Secondary Education - Special Education Unit
Advisory Council for the Education of Children with Disabilities
Dispute Resolution, October 2019**

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-19-24

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)

H-19-28

2. 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-19-31

3. 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-19-19

1. That the District failed to implement the Student's Individualized Education Program (IEP) in the area of provision of a paraprofessional. (S)
2. That the District failed to implement the Student's IEP in the area of provision of IEP Services while the student was in In-School-Suspension. (NS)

C-19-22

1. That the District failed to develop and implement an appropriate IEP in the areas of appropriate, measurable goals and provision of pragmatics. (S)
2. That the District failed to provide a copy of the IEP to the Complainant. (S)

C-19-24

1. That the District failed to notify the parent before discontinuing annual goals and objectives. (S)
2. That the District failed to provide a free appropriate public education to the Student by failing to provide progress reports. (NS)

C-19-25

1. That the District failed to ensure an IEP be developed and implemented for the Student with a disability, specifically by not ensuring programming as written in the Student's IEP. (S)
2. That the District failed to ensure that the IEP team review the Student's IEP periodically, but not less than annually, to determine whether the annual goals for the Student are being achieved. (S)
3. That the District failed to revise the IEP as appropriate to address any lack of expected progress toward the annual goals and in the general education curriculum. (S)

C-19-26

1. That the District failed to implement Child Find requirements, specifically by not gathering relevant functional and developmental information such as assessing in all areas related to the suspected disability. Including but not limited to social and emotional status. (S)

C-19-27

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:
 - A. not conducting a Functional Behavior Assessment (FBA) and developing and implementing a Behavior Intervention Plan (BIP) to address the Student's behavioral needs, (S)
 - B. not addressing the Student's mental health needs and not providing mental health therapy; and (S)
 - C. not providing services during change of placement; (S)
2. That the District failed to evaluate the Student in all areas of suspected disability. (S)
3. That the District failed to ensure necessary IEP team members were present to develop an IEP that allowed for creation of an IEP that is reasonably calculated to address the Student's needs, specifically by not inviting a mental health professional; and (S)

4. that the District failed to allow for parent participation in developing the IEP, specifically by not providing training to the parent on the Google platform used for accessing the Student's assignments. (NS)

OPEN HEARINGS

(8)

<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 Hearing
H-20-04	Harmony Grove SD Saline	Pending Hearing
H-20-05	Bentonville SD	Pending Hearing
H-20-06	Bentonville SD	Pending Hearing
H-20-07	LRSD	Pending Hearing
H-20-08	Academics Plus Charter	Pending Hearing
H-20-09	Russellville SD	Pending Hearing

CLOSED HEARINGS

(8)

<u>Case#</u>	<u>School District</u>	<u>Status</u>
<u>2019</u>		
H-19-20	White Hall SD	Settlement Agreement/Closed
H-19-24	Omaha SD	No C/A Closed
H-19-27	Beebe SD	Dismissed
H-19-28	LRSD	No C/A Closed
H-19-29	Lonoke SD	Dismissed
H-19-31	Springdale SD	No C/A Closed
<u>2020</u>		
H-20-01	PCSSD	Dismissed
H-20-03	PCSSD	Dismissed

OPEN COMPLAINTS

(5)

<u>Case#</u>	<u>School District</u>	<u>Status</u>
<u>2019</u>		
C-19-15	PCSSD	Pending Compliance
C-19-25	PCSSD	Pending Compliance
C-19-27	PCSSD	Pending Compliance

2020

C-20-01	Atkins SD	Pending Investigation
C-20-03	LRSD	In Abeyance

CLOSED COMPLAINTS

(10)

Case# School District Status

2019

C-19-17	LISA Academy	Met compliance/Closed
C-19-18	Rogers SD	Met compliance/Closed
C-19-19	Brinkley SD	Met compliance/Closed
C-19-21	Conway SD	Report Issued no C/A
C-19-22	Haas Hall Academy	Met Compliance/Closed
C-19-24	Hope SD	Met Compliance/Closed
C-19-26	PCSSD	Met Compliance Closed

2020

C-20-02	Bentonville SD	Withdrawn
C-20-04	Hope SD	Denied
C-20-05	Ozark Mountain SD	Withdrawn