

**Division of Elementary and Secondary Education - Office of Special Education
Advisory Council for the Education of Children with Disabilities
Dispute Resolution, October 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 are followed by (No C/A).

DUE PROCESS HEARING ISSUES

H-23-08

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). (S)

H-23-23

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-23-37

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
(35)

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

2023

H-23-08	Vilonia SD	Pending Compliance
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 Compliance
H-23-25	Greenwood SD	Pending Hearing
H-23-26	LRSD	Pending Hearing
H-23-29/		
H-24-04	LRSD	Pending Hearing
H-23-31	Conway SD	Pending Hearing
H-23-32/		
H-24-09	Vilonia SD	Pending Hearing
H-23-36	Bradford SD	Pending Hearing
H-23-37	PCSSD	Pending Compliance
H-23-41	PCSSD	Pending Hearing

2024

H-24-01	Vilonia SD	Pending Hearing
H-24-02	PCSSD	Pending Hearing
H-24-03	Greenwood SD	Pending Hearing
H-24-04	LRSD	Pending Hearing
H-24-05	Pine Bluff SD	Pending Hearing
H-24-06	Waldron SD	Pending Hearing
H-24-08	Hope SD	Pending Hearing
H-24-09	Vilonia SD	Pending Hearing
H-24-10	Magnet Cove SD	Pending Hearing
H-24-11	Conway SD	Pending Hearing
H-24-12	PCSSD	Pending Hearing
H-24-13	Conway SD	Pending Hearing
H-24-14	LRSD	Pending Hearing

CLOSED HEARINGS

(5)

Case# **School District** **Status**

2023

H-23-38	Malvern SD	Dismissed
H-23-24	Greenbrier SD	Dismissed
H-23-35	Vilonia SD	Dismissed
H-23-39	Bentonville SD	Dismissed

2024

H-24-07	LISA Academy	Dismissed
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COMPLAINT INVESTIGATION ISSUES

C-23-30

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 [8.01.1], specifically by not providing the support of a paraprofessional. (NS)

C-23-31

1. that the District failed provide meaningful parent participation, specifically, that the District failed to give the Parent timely notice of conference 34 CFR 300.322(a)(1) and [8.06.1.1], (NS)

C-23-33

1. that the District failed to provide services in the Least Restrictive Environment (LRE) [13.01], specifically, that the District used a solitary room. (NS)
2. that the District failed to that the District failed to conduct a Manifestation Determination Review after multiple suspensions that resulted in a change of placement [11.05]. (NS)
3. 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 34 CFR 300.320(a) and [8.01.1], specifically, that the IEP did not meet the behavioral needs of the Student. (NS)

C-23-39

1. that the District failed to provide a Free Appropriate Public Education (FAPE) [5.01.1], specifically, that the District refused to provide educational services. (S)
2. that the District failed to develop and implement an Individualized Education Program (IEP) for the Student that is reasonably calculated to allow for meaningful progress [34 CFR 300.320(a) and 8.01.1], specifically, that the IEP did not meet the medical needs of the Student. (S)

C-24-01

1. that the District failed to determine, on an individual basis, in accordance with 34 CFR 300.320 through 300.324, that the services are necessary for the provision of FAPE to the Student, specifically: a. that the District failed to consider the disability of autism. (NS)
2. that the District failed to determine, on an individual basis, in accordance with 34 CFR 300.320 through 300.324, that the services are necessary for the provision of FAPE to the Student, specifically that the District failed to amend the IEP to address any lack of expected progress [8.04.3.2]. (NS)

3. that the District failed to educate the Student in the least restrictive environment, 34 CFR 300.114(a)(2) and [13.01.1]. (S)

C-24-02

1. allegation that the District failed to provide meaningful parent participation by failing to include the Parent in the Individual Education Program (IEP) conference [9.02.2.1]. (S)
2. that the District failed to provide meaningful parent participation by not having all the required IEP team members during the meeting 34 CFR 300.321(a) and [8.05.1.1]. (S)
3. that the District failed to provide meaningful parent participation by failing to provide progress updates toward IEP goals [8.08.1.9]. (S)
4. that the District failed to provide meaningful parent participation by failing to provide progress updates toward IEP goals [8.08.1.9]. (S)
5. that the District failed to have an IEP in place at the beginning of the school year [8.03.1.1]. (S)
6. that the District failed to develop and implement an IEP for the Student that is reasonably calculated to allow for meaningful progress 34 CFR 300.320(a) and [8.01.1], specifically, that the District failed to provide the related service of speech therapy. (S)
7. that the District failed to develop and implement an IEP for the Student that is reasonably calculated to allow for meaningful progress 34 CFR 300.320(a) and [8.01.1], specifically that the District failed to ensure the IEP is accessible to all relevant staff members [8.03.2.2]. (S)
8. that the District failed to provide access to educational records [9.02.1]. (S)

C-24-04

1. that the District failed to provide meaningful parent participation by failing to include the Parent in the Individual Education Program (IEP) conference by refusing to conduct meetings at Parent request [9.02.2.1]. (S)
2. that the District failed to provide meaningful parent participation by not having all the required IEP team members during the meeting 34 CFR 300.321(a) and [8.05.1.1]. (S)
3. that the District failed to provide meaningful parent participation by failing to provide progress updates toward IEP goals [8.08.1.9]. (S)

4. that the District failed to provide meaningful parent participation by failing to conduct an IEP meeting at least annually [8.04.03]. (S)
5. that the District failed to develop an IEP and Notice of Action in a timely manner [8.03.2]. (S)

OPEN COMPLAINTS
(20)

<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
<u>2023</u>		
C-23-21	LRS D	Pending Compliance
C-23-22	AR School for the Deaf	Pending Compliance
C-23-29	Springdale SD	Pending Compliance
C-23-39	KIPP Delta SD	Pending Compliance
<u>2024</u>		
C-24-01	Bentonville SD	Pending Investigation
C-24-02	Hope Academy of NWA	Pending Investigation
C-24-04	Benton SD	Pending Investigation
C-24-05	Springdale SD	Pending Investigation
C-24-06	Springdale SD	Pending Investigation
C-24-07	Springdale SD	Pending Investigation
C-24-08	Springdale SD	Pending Investigation
C-24-09	Springdale SD	Pending Investigation
C-24-10	Springdale SD	Pending Investigation
C-24-11	Jackson County SD	Pending Investigation
C-24-12	Springdale SD	Pending Investigation
C-24-14	ESTEM Charter	Pending Investigation
C-24-15	Haas Hall Academy	Pending Investigation
C-24-16	Springdale SD	Pending Investigation

CLOSED COMPLAINTS
(18)

<u>Case#</u>	<u>School District</u>	<u>Status</u>
<u>2022</u>		
C-22-20	Lakeside Chicot SD	Met Compliance
C-22-33	White Hall SD	Met Compliance

C-22-34 KIPP Delta SD Met Compliance

2023

C-23-13 Jacksonville Pulaski North SD Met Compliance
C-23-14 PCSSD Met Compliance
C-23-20 Spring Hill SD Met Compliance
C-23-23 Lamar SD Met Compliance
C-23-25 Cutter Morning Star SD Met Compliance
C-23-27 Melbourne SD Met Compliance
C-23-28 Warren SD Met Compliance
C-23-32 Bentonville SD Withdrawn
C-23-34 Lonoke SD Denied
C-23-35 PCSSD Denied
C-23-36 NLRSD Withdrawn/Mediation
C-23-37 LISA Academy Withdrawn
C-23-38 Jacksonville Lighthouse Charter Denied

2024

C-24-03 Jacksonville North Pulaski SD Denied
C-24-13 Watson Chapel SD Denied