

ARKANSAS DEPARTMENT OF EDUCATION
SPECIAL EDUCATION UNIT

DISPUTE RESOLUTION REPORT FOR THE ADVISORY COUNCIL
FOR THE EDUCATION OF INDIVIDUALS WITH DISABILITIES

JARED HOGUE, PROGRAM ADMINISTRATOR,
DISPUTE RESOLUTION

April 20, 2017

The following allegations were addressed in complaint investigation reports and due process hearing decisions completed since the last Advisory Council Meeting on January 26, 2016. 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 decision found to have no corrective action is followed by (No C/A).

Due Process Hearing Issues

H-16-36

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 - No C/A)

Complaint Investigation Issues

C-17-08

1. That the District failed to provide the Student with a free appropriate public education (FAPE) by not appropriately considering his LRE (NS)
2. That the District failed to implement the Student's Individualized Education Program by not providing the accommodations listed in the IEP (S)

C-17-09

1. That the District failed to provide the Student with a free appropriate public education (FAPE) by not appropriately considering his LRE (NS)
2. That the District failed to implement the Student's IEP by not providing the accommodations listed in the IEP (NS)

C-17-10

1. That the District did not provide the Student with a free appropriate public education (FAPE) (S)
2. That the District failed to develop an appropriate IEP, specifically by not re-evaluating to determine behavioral needs (S)
3. That the district failed to make accessible the IEP to the child's teachers and other service providers who are responsible for its implementation (S)
4. That the district failed to hold a Manifestation Determination Review to consider the Student's behaviors once he had been suspended for 10 days (NS)

C-17-11

1. That the District failed to provide the Student with a free appropriate public education by not implementing the Student's Individualized Education Plan (IEP), specifically by not providing services listed in the IEP [speech and restroom assistance] (S)
2. That the District failed to ensure that the IEP team included all required team members, specifically by the administrator signing the IEP paperwork and leaving before the conference began (S)

OPEN HEARINGS

(14)

| <u>Case#</u> | <u>School District</u> | <u>Status</u> |
|---------------------|-------------------------------|---------------------------|
| <u>2015</u> | | |
| H-15-10 | Paris SD | (S) Pending Appeal |
| <u>2016</u> | | |

| | | |
|---------|-----------------|--------------------|
| H-16-14 | LRSB | (S) Pending Appeal |
| H-16-44 | Lawrence Co. SD | (S) Pending Appeal |

2017

| | | |
|---------|--------------------|-----------------|
| H-17-10 | Mountain Home SD | Pending Hearing |
| H-17-13 | Bentonville SD | Pending Hearing |
| H-17-18 | Star City S | Pending Hearing |
| H-17-19 | Omaha SD | Pending Hearing |
| H-17-20 | Greene County Tech | Pending Hearing |
| H-17-21 | Fort Smith SD | Pending Hearing |
| H-17-22 | Hazen SD | Pending Hearing |
| H-17-23 | Bentonville SD | Pending Hearing |
| H-17-24 | PCSSD | Pending Hearing |

CLOSED HEARINGS

(6)

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

2016

| | | |
|---------|----------------|------------------------------|
| H-16-07 | Pocahontas SD | (S) Closed/ CA Met |
| H-16-34 | Earle | (S) Closed/CA Met |
| H-16-36 | Little Rock SD | Decision Issued; NS -No C /A |

2017

| | | |
|----------|----------------|-----------|
| H-17-11 | Brookland SD | Dismissed |
| H-17-12 | Brookland SD | Dismissed |
| H-17-14 | Little Rock SD | Dismissed |
| EH-17-15 | Lafayette SD | Dismissed |
| H-17-16 | Gosnell SD | Dismissed |

OPEN COMPLAINTS

(4)

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

2016

| | | |
|---------|-----------|------------------------|
| C-16-10 | Conway SD | (S) Pending Compliance |
|---------|-----------|------------------------|

2017

| | | |
|---------|-------|-------------------------|
| C-17-08 | NLRSD | (PS) Pending Compliance |
|---------|-------|-------------------------|

| | | |
|----------------|---------------------------------|--------------------------------|
| C-17-10 | Pine Bluff SD | (PS) Pending Compliance |
| C-17-11 | Ozark Montessori Academy | (S) Pending Compliance |

CLOSED COMPLAINTS

(1)

| <u>Case #</u> | <u>School District</u> | <u>Status</u> |
|----------------------|-------------------------------|---------------------------|
| <u>2017</u> | | |
| C-17-09 | NLRSD | (NS) Closed No C/A |