

**Division of Elementary and Secondary Education - Office of Special Education
Advisory Council for the Education of Children with Disabilities
Dispute Resolution, January 2024**

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-23-25

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-23-41

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-24-01

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-24-03

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

(37)

<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

2022

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-23-29/		
H-24-04	LRSD	Pending Hearing
H-23-31/		
H-24-13	Conway SD	Pending Hearing
H-23-35/		
H-24-09	Vilonia SD	Pending Hearing
H-23-37	PCSSD	Pending Compliance

2024

H-24-01	Vilonia SD	Pending Compliance
H-24-02	PCSSD SD	Pending Hearing
H-24-03	Greenwood SD	Pending Compliance
H-24-04	LRSD	Pending Hearing
H-24-05	Pine Bluff 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-24-13	Conway SD	Pending Hearing
H-24-15	Cabot SD	Pending Hearing
H-24-16	Manila SD	Pending Hearing
H-24-17	Malvern SD	Pending Hearing
H-24-18	Jonesboro SD	Pending Hearing
H-24-19/22	Quitman SD	Pending Hearing
H-24-21	Springdale SD	Pending Hearing
H-24-23	Malvern SD	Pending Hearing
H-24-24	Academics Plus SD	Pending Hearing
H-24-25	Cave City SD	Pending Hearing
H-24-26	Cabot SD	Pending Hearing

CLOSED HEARINGS
(10)

<u>Case#</u>	<u>School District</u>	<u>Status</u>
<u>2023</u>		
H-23-25	Greenwood SD	Dismissed
H-23-26/ H-24-14	LRSD	Dismissed
H-23-36	Bradford SD	Dismissed
H-23-41	PCSSD	Closed No C/A
<u>2024</u>		
H-24-06	Waldron SD	Dismissed
H-24-08	Hope SD	Dismissed
H-24-12	PCSSD	Dismissed
H-24-14	LRSD	Dismissed
H-24-20	Scholarmade SD	Dismissed

COMPLAINT INVESTIGATION ISSUES

C-24-05 through 10 and 12

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 34 CFR 300.320(a) and [8.01.1], specifically, failing to provide the services in the IEP while the Student sat in the office for 3 hours and suspended the Student for an additional half day because of the delayed pick-up from school, failing to provide a 1:1 aide as outlined in the IEP, failing to provide the missed instructional time as agreed, the IEP is allowing the Student to avoid academic work by going to the nurse, (NS)
2. that the District failed to consider the outside evaluation provided by the Parent [9.03.3.1], (NS)
3. that the District failed to allow for meaningful parent participation, specifically, limiting the Parent's ability to get and receive information about the Student's educational program §34 CFR 300.613.(NS)
4. that the District denied a Free Appropriate Public Education (FAPE) by not allowing the Student to return to school after morning appointments [5.01.1]. (NS)

C-24-11

1. that the District failed to provide a Free Appropriate Public Education (FAPE) by: not implementing child find requirements [5.01.2], (NS) and not conducting a referral for consideration of special education services [4.01.1]. (S)

C-24-14

1. that the District failed to provide meaningful Parent participation by delaying the referral conference outside of the required timeline [4.03.1]. (S)

C-24-15

1. that the District failed provide meaningful parent participation, specifically: by failing to give the Parent Notice in their native language [9.04.3.1], and by failing to obtain informed consent from the Parent prior to the initial provision of services. [9.06.3.1]. (S)

C-24-16

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: the District made changes to the IEP goals outside of an IEP meeting, the Notice of Action does not reflect the decisions of the meeting, (NS)
2. that the District failed to allow for meaningful parent participation, specifically, predetermining a change of placement [9.02.3.1], (NS)
3. that the District denied a Free Appropriate Public Education (FAPE) by shortening the school day [5.01.1], and (NS)
4. that the District violated Student confidentiality by releasing educational records without informed consent [16.11.1]. (NS)

C-24-17

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 34 CFR 300.320(a) and [8.01.1], specifically, that the District failed to provide the related services listed on the IEP, (S)
2. that the District failed to ensure the IEP is accessible to all relevant staff members [8.03.2.2], (S)
3. that the District failed to ensure that the IEPs were in effect at the start of school [8.03.1], and (S)
4. that the District made changes to the IEP through the amendment process but failed to ensure the team is informed of those changes [8.07.1.4]. (S)

C-24-18

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, failing to develop an appropriate behavior plan including positive behavioral supports [8.07.3.1], (S)
2. by not conducting a Functional Behavior Assessment [11.02.1.2], (S)
3. that the District failed to conduct a Manifestation Determination Review [11.05.1], (NS)

4. that the District failed to conduct an IEP meeting at change of placement to determine needed services [11.02.4] (S)
5. that the District denied a Free Appropriate Public Education (FAPE) by shortening the school day [5.01.1], and (S)
6. That the District did not have staff that were appropriately and adequately trained 34CFR 300.156. (NS)

C-24-21

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 [34 CFR 300.320(a)] and [8.01.1], specifically that the District failed to provide the accommodations listed on the IEP during basketball tryouts; and (NS)
2. that the District failed to ensure the IEP is accessible to all relevant staff members [8.03.2.2]. (NS)

C-24-24

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 34 CFR 300.320-324 and [8.01.1], specifically: by failing to provide the accommodations listed on the IEP, and by failing to implement the behavior plan. (NS)

OPEN COMPLAINTS
(22)

<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	LRSB	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-24-02	Hope Academy of NWA	Pending Compliance
C-24-04	Benton SD	Pending Compliance
C-24-11	Jackson County SD	Pending Compliance
C-24-14	ESTEM Charter	Pending Compliance
C-24-15	Haas Hall Academy	Pending Compliance
C-24-17	LISA Academy	Pending Investigation
C-24-18	Pea Ridge SD	Pending Compliance

C-24-19	PCSSD	Abeyance
C-24-24	Bentonville SD	Pending Investigation
C-24-25	Scholarmade Achievement Charter	Pending Investigation
C-24-26	Cabot SD	Abeyance
C-24-27	Lawrence Co. SD	Pending Investigation
C-24-28	Emerson Taylor Bradford SD	Pending Investigation
C-24-29	Springdale SD	Pending Investigation
C-24-30	Springdale SD	Pending Investigation
C-24-31	NLRSD	Pending Investigation

CLOSED COMPLAINTS
(16)

<u>Case#</u>	<u>School District</u>	<u>Status</u>
<u>2023</u>		
C-23-30	NLRSD	No C/A
C-23-31	Texarkana SD	No C/A
C-23-32	Bentonville SD	Withdrawn
<u>2024</u>		
C-24-01	Bentonville SD	Met Compliance
C-24-05	Springdale SD	No C/A
C-24-06	Springdale SD	No C/A
C-24-07	Springdale SD	No C/A
C-24-08	Springdale SD	No C/A
C-24-09	Springdale SD	No C/A
C-24-10	Springdale SD	No C/A
C-24-12	Springdale SD	No C/A
C-24-16	Springdale SD	No C/A
C-24-20	Little Rock SD	Denied
C-24-21	Lonoke SD	No C/A
C-24-22	Concord SD	Denied
C-24-23	PCSSD	Denied