

**Division of Elementary and Secondary Education - Office of Special Education
Advisory Council for the Education of Children with Disabilities
Dispute Resolution, July 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-24-04

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-24-11

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-24-19

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-24-21

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-24-22

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-24-23

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-24-29

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-24-31

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-24-32

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-24-34

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**(38)**

<u>Case#</u>	<u>School District</u>	<u>Status</u>
<u>2023</u>		
H-23-08	Vilonia 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/	Combined	
H-24-04	LRSB	Pending Compliance
H-23-35/	Combined	
H-24-09	Vilonia SD	Pending Hearing
H-23-37	PCSSD	Pending Compliance
<u>2024</u>		
H-24-01	Vilonia SD	Pending Compliance
H-24-02	PCSSD SD	Pending Compliance
H-24-03	Greenwood SD	Pending Compliance
H-24-10	Magnet Cove SD	Pending Compliance
H-24-11	Conway SD	Pending Compliance
H-24-15	Cabot SD	Pending Hearing

EH-24-17	Malvern SD	Pending Compliance
H-24-21	Springdale SD	Pending Compliance
H-24-23	Malvern SD	Pending Compliance
H-24-27/30	PCSSD	Pending Hearing
H-24-29	Quitman SD	Pending Compliance
H-24-31	Osceola SD	Pending Compliance
H-24-32	Springdale SD	Pending Compliance
EH-24-33	Fort Smith SD	Pending Compliance
H-24-34	Scholarmade Achievement SD	Pending Compliance
H-24-38	Magnet Cove SD	Pending Hearing
H-24-39	Benton SD	Pending Hearing
H-24-40	Vilonia SD	Pending Hearing
H-24-41	KIPP Delta SD	Pending Hearing
H-24-42	Springdale SD	Pending Hearing
H-24-43	Bentonville SD	Pending Hearing
H-24-44	Springdale SD	Pending Hearing
H-24-45	PCSSD	Pending Hearing
H-24-46	Benton SD	Pending Hearing
H-24-48	PCSSD	Pending Hearing
H-24-49	Arkansas Virtual Academy	Pending Hearing
H-24-50	Fort Smith SD	Pending Hearing
H-24-51	Quitman SD	Pending Hearing

CLOSED HEARINGS
(11)

<u>Case#</u>	<u>School District</u>	<u>Status</u>
<u>2021</u>		
H-21-32	Palestine-Wheatley SD	Closed, Met C/A
<u>2024</u>		
H-24-05	Pine Bluff SD	Dismissed
H-24-13	Conway SD	Dismissed
H-24-25	Cave City SD	Dismissed
H-24-19	Quitman SD	Closed, No C/A
H-24-22	Quitman SD	Closed, No C/A
H-24-28	Bentonville SD	Dismissed
H-24-32	Springdale SD	Closed, No C/A
H-24-35	Ft. Smith SD	Dismissed
H-24-37	Vilonia SD	Dismissed
H-24-47	Quitman SD	Dismissed

COMPLAINT INVESTIGATION ISSUES

C-24-29

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 needed accommodations on the IEP (NS)

2.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 failing to develop and provide the support of a 1:1 aide (S)

3.that the District did not facilitate meaningful parent participation by failing to include the purpose of the meeting on the Notice of Conference Form as required by federal regulations 34 CFR 300.322(b)(1)(i) and [8.06.2.1.A].(NS)

4.that the District failed to provide meaningful parent participation by [9.02.2.2], specifically, not providing copies of conference paperwork to Parent including Prior Written Notice prior to the implementation of the action (S)

C-24-34

1.that the District failed to develop and provide an IEP that was reasonably calculated to provide educational benefit, specifically by not considering the Behavior Intervention Plan (BIP) (S)

2.that the District failed to develop and provide an IEP that was reasonably calculated to provide educational benefit, specifically by not implementing the accommodations in the IEP (S)

3.that the District failed to hold an IEP meeting at parent request (S)

4.that the District failed to provide the Parent with Procedural Safeguards Notice (NS)

C-24-35

1.that the District failed to develop and provide an IEP that was calculated for reasonable educational benefit, specifically by not implementing the accommodations in the IEP (NS)

2.that the District failed to develop and provide an IEP that was reasonably calculated specifically by, not implementing the accommodations in the IEP(NS)

C-24-37

1.that the District changed placement without an IEP meeting (NS)

2.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 District failed to consider additional accommodations and services, (NS)

3.that the District failed to educate the Student in the Least Restrictive Environment (NS)

C-24-39

1.that the District failed to consider additional recommendations from medical professionals, (NS)

2.that the District failed to educate the Student in the LRE. (S)

C-24-40

1.that the District failed to develop and provide an IEP that was reasonably calculated for meaningful benefit, specifically, by not implementing the accommodations in the IEP (S)

C-24-41

1.that there is sufficient evidence to substantiate the Complainant's allegation that the District failed to provide FAPE by not implementing their child find requirements (S)

C-24-42

1.that the District failed to provide FAPE, specifically by not implementing their child find requirements (S)

2.that the District failed to have required members of the IEP team present for the conference (S)

3.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 (S)

C-24-44

1.that the District failed to develop an IEP that was calculated for reasonable educational benefit by not implementing the accommodations in the (S)

2.that the District failed to develop an IEP that was calculated for reasonable educational benefit by failing to consider and program for all areas of critical need (NS)

3.that the District failed to develop an IEP that was calculated for reasonable educational benefit by not providing a one-to-one paraprofessional as listed in the IEP (NS)

4.that the District failed to develop an IEP that was calculated for reasonable educational benefit by not addressing the behavioral concerns due to delaying a Functional Behavior Assessment for the Student (NS)

5.that the District failed to include the Parent when conducting a Manifestation Determination Review for disciplinary removals that constitute a change of placement(S)

C-24-45

1.that the District failed to develop and provide an IEP that was calculated for reasonable educational benefit by not implementing the accommodations in the IEP(S)

2.that the District failed to develop and provide an IEP that was calculated for reasonable educational benefit by failing to revise the IEP after meetings(S)

3.that the District failed to develop and provide an IEP that was calculated for reasonable educational benefit by not providing the required Speech Therapy services listed (NS)

4.that the District failed to develop and provide an IEP that was calculated for reasonable educational benefit by failing to consider and program for all areas of critical need (NS)

5.that the District failed to allow for meaningful parent participation, specifically, by not holding an IEP meeting at request of the Parent (NS)

6.that the District failed to allow for meaningful parent participation, specifically, by not providing a Notice of Conference (NOC) that includes who would be in attendance in the IEP meeting (S)

7.that the District failed to allow for meaningful parent participation, specifically, by not having the required members of the IEP meeting (S)

8.that the District failed to allow for meaningful parent participation, specifically, by not providing a copy of the IEP or Notice of Action (NOA) after meetings (NS)

C-24-46

1.that the District failed to meet the requirements of the referral process for a student that is suspected of having disability (S)

C-24-47

1.that the District failed to develop and provide an IEP that was calculated for reasonable educational benefit specifically, by not implementing the accommodations in the IEP (NS)

2.that the District failed to have required members of the IEP team present for the conference (S)

3.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 (S)

C-24-48

1.that the District failed to develop and implement an Individual Education Program (IEP) for the Student that is reasonably calculated to allow for educational benefit 34 CFR 300.320(a) and [8.01.1], specifically, that the District failed to provide the related services listed on the IEP. This failure is attributed, in part, to the District's lack of policies and procedures regarding special education requirements and failure to ensure new staff are aware of the requirements. (S)

C-24-49

1.that the District failed to comply with special education laws and regulations governing the provision of a Free Appropriate Public Education (FAPE) specifically by, failing to provide the services listed in the Individual Educational Program (IEP) (S)

C-24-51

1.that the District failed to provide a FAPE by not addressing the impact of bullying through the IEP (NS)

2.that the District failed to develop and provide an IEP that was reasonably calculated for educational benefit by not providing the one to one paraprofessional as listed in the IEP(NS)

C-24-53

- 1.that the District failed to provide a Free Appropriate Public Education (FAPE) by not implementing the individual Education Program (IEP) in the regular classroom (NS)
- 2.that the District failed to provide a Functional Behavior Assessment (FBA) to address the Student’s behaviors (NS)

OPEN COMPLAINTS
(33)

<u>Case#</u>	<u>School District</u>	<u>Status</u>
<u>2023</u>		
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-24-11	Jackson County SD	Pending Compliance
C-24-17	LISA Academy	Pending Compliance
C-24-18	Pea Ridge SD	Pending Compliance
C-24-25	Scholarmade Achievement Charter	Pending Compliance
C-24-27	Lawrence Co. SD	Pending Compliance
C-24-28	Emerson Taylor Bradford SD	Pending Compliance
C-24-29	Springdale SD	Pending Compliance
C-24-34	West Memphis SD	Pending Compliance
C-24-39	PCSSD	Pending Compliance
C-24-40	Fort smith SD	Pending Compliance
C-24-41	Searcy SD	Pending Compliance
C-24-42	PCSSD	Pending Compliance
C-24-44	PCSSD	Pending Compliance
C-24-45	Westwind School for Performing Arts	Pending Compliance
C-24-46	Strong-Huttig SD	Pending Compliance
C-24-48	Clarksville SD	Pending Compliance
C-24-49	Arkansas River Education Co-Op	Pending Compliance
C-24-50	Cossatot River SD	Pending Investigation
C-24-52	Berryville SD	Pending Investigation
C-24-54	Mammoth Springs SD	Pending Investigation
C-24-56	LISA Academy	Pending Investigation
C-24-57	Mineral Springs SD	Pending Investigation

C-24-58	PCSSD	Pending Investigation
C-24-60	Bentonville SD	Pending Investigation
C-24-61	Southwest AR Education Co-Op	Pending Investigation
C-24-62	PCSSD	Pending Investigation
C-24-63	Academics Plus Charter School	Pending Investigation
C-24-64	Southwest AR Education Co-Op	Pending Investigation
C-24-65	Blytheville SD	Pending Investigation
C-24-66	LRSO	Pending Investigation

CLOSED COMPLAINTS
(12)

<u>Case#</u>	<u>School District</u>	<u>Status</u>
<u>2022</u>		
C-22-25	LISA Academy	Met Compliance/Closed
<u>2023</u>		
C-23-22	AR School for Deaf	Met Compliance/Closed
<u>2024</u>		
C-24-24	Bentonville SD	Closed No C/A
C-24-31	NLRSD	Withdrawn
C-24-32	NLRSD	Denied
C-24-33	AR Military and First Responders SD	Withdrawn
C-24-35	Berryville SD	Closed No C/A
C-24-47	Strong-Huttig SD	Closed No C/A
C-24-51	Rogers SD	Closed No C/A
C-24-53	Arkadelphia SD	Closed No C/A
C-24-55	ESTEM Charter School	Denied
C-24-59	LISA Academy	Withdrawn