

**Division of Elementary and Secondary Education - Office of Special Education
Advisory Council for the Education of Children with Disabilities
Dispute Resolution, October 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-24-40

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
(43)

<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	LRSD	Pending Compliance
H-23-35/	Combined	
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 Compliance
H-24-03	Greenwood SD	Pending Compliance
H-24-04	LRSD SD	Pending Compliance
H-24-09	Vilonia SD	Pending Compliance
H-24-10	Magnet Cove SD	Pending Compliance
H-24-11	Conway SD	Pending Compliance
H-24-15	Cabot SD	Pending Compliance
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-24-40	Vilonia SD	Pending Compliance
H-24-42	Springdale SD	Pending Hearing
H-24-44	Springdale SD	Pending Hearing
H-24-46	Benton SD	Pending Hearing
H-24-48	PCSSD	Pending Hearing

2025

H-25-01	Hope SD	Pending Hearing
H-25-02	Melbourne SD	Pending Hearing
H-25-03	Conway SD	Pending Hearing
H-25-04	Lakeside SD	Pending Hearing
H-25-05	Southside SD	Pending Hearing
EH-25-06	Stuttgart SD	Pending Hearing
EH-25-07	Beebe SD	Pending Hearing
EH-25-08	Jacksonville North Pulaski SD	Pending Hearing

CLOSED HEARINGS**(19)**

<u>Case#</u>	<u>School District</u>	<u>Status</u>
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2024

H-24-06	Waldron SD	Dismissed
H-24-07	LISA Academy	Dismissed
H-24-08	Hope SD	Dismissed

H-24-12	PCSSD	Dismissed
H-24-14	LRSD	Dismissed
H-24-16	Manila SD	Dismissed
H-24-18	Jonesboro SD	Dismissed
H-24-20	Scholarmade Achievement	Dismissed
H-24-24	Academics Plus	Dismissed
H-24-25	Cave City SD	Dismissed
H-24-26	Cabot SD	Dismissed
EH-24-36	Blytheville SD	Dismissed
H-24-39	Benton SD	Dismissed
H-24-41	KIPP Delta SD	Dismissed
H-24-43	Bentonville Sd	Dismissed
H-24-45	PCSSD	Dismissed
H-24-49	AR Virtual Academy	Dismissed
H-24-50	Ft. Smith SD	Dismissed
H-24-51	Quitman SD	Dismissed

COMPLAINT INVESTIGATION ISSUES

C-24-50

- 1.that the District failed to provide an evaluation when determining a student was determined not eligible for special education services (NS)
2. that the District failed to ensure that the IEPs were in effect at the start of the school year (S)
3. that the District failed to provide a FAPE by not meeting to address bullying by the teacher (NS)

C-24-52

- 1.that that the District failed to provide a FAPE by not providing services consistent with the placement listed on the IEP (S)

C-24-56

- 1.that the District failed to educate the Student in the Least Restrictive Environment by not allowing access to typically developing peers in nonacademic and academic activities (S)
- 2.that the District failed to develop and implement an Individual Education Program (IEP) for the Student that is reasonably calculated to allow for reasonable educational benefit (S)

C-24-57

1. that the District failed to develop and implement an Individual Education Program (IEP) for the Student that is reasonably calculated to allow for reasonable educational benefit [8.07.1.2] specifically, that the District failed to provide the accommodations as listed in the Individual Education Plan (IEP). (NS)

2. that the District failed to follow the Behavior Intervention Plan (BIP) to address the Student's behaviors (NS)

C-24-58

1. that the District failed to adhere to the evaluation timeline (S)
2. that the District failed to develop and implement an appropriate IEP, specifically, by not developing and implementing an appropriate transition plan (S)

C-24-60

1. that the District failed to develop and implement an IEP for the Student that is reasonably calculated to allow for meaningful progress (NS)
2. that the district failed to include measurable goals in the IEP (S)
3. that the district failed to amend the IEP due to lack of expected progress toward goals (NS)
4. that the district failed to implement a behavior intervention plan (NS)
5. that the district failed to fully identify the Present Levels of Academic Achievement and Functional Performance (NS)
6. that the district failed to provide Extended Year Services and did not make a determination on an individual basis (NS)
7. that the district failed to allow for meaningful parent involvement by not addressing Parent concerns (NS)

C-24-62

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

C-24-63

1. that the District failed to conduct a Functional Behavior Assessment after the Manifestation Determination Review (MDR) (S)
2. that the District changed the Student's placement based on disability-based behaviors following the MDR (S)

C-24-64

1. that the District, during the referral process, did not evaluate in all areas of suspected disability. (S)
2. that the District failed to provide related services in a timely manner (S)
3. that the District only provided services based on a specific disability category (S)
4. that the District predetermined the decisions of the Individual Education Plan (IEP) team (S)

C-24-65

1. that the District failed to implement child find requirements of identifying, locating, and evaluating all children with disabilities (S)

C-24-66

1. that the District failed to initiate the services in the IEP until December 2023. (NS)
2. that the District utilized informal removals from the educational setting. (NS)
3. that the District failed to evaluate prior to shortening the school day. (S)
4. that the District failed to consider outside evaluations when developing the IEP (NS)
5. that the District failed to allow for meaningful parent participation, specifically, the paperwork reflected team members being in attendance that were not present (NS)
6. that the District failed to allow for meaningful parent participation, specifically, that the District failed to develop a clear Present Level of Academic Achievement and Functional Performance (PLAAFP) statement (NS)
7. that the District failed to notify the Parent of updated progress towards goals (NS)

C-25-01/C-25-02

1. that the District failed to adhere to the requirements of the referral process by limiting referrals by educational personnel. (S)
2. that the District failed to conduct a Manifestation Determination Review (MDR) when changing placement due to a disciplinary action (S)

C-25-03

- 1.that the District failed to allow for meaningful parent participation, specifically, by not informing the Parent of team members attending the Individual Education Program (IEP) meeting (S)
- 2.that the District released protected personally identifiable information (PII) without consent (NS)

C-25-04

- 1.that the District failed to provide the services listed in the IEP (NS)
- 2.that the District failed to address behavior through the IEP [8.07.1.2]. Though discipline data shows that behaviors were not significant enough for more than one suspension, there is data in the Student's IEP paperwork that shows support was needed with adaptive behavior. District staff acted individually to offer support through general education but did not inform District staff including special education so that the Student's IEP team could consider the data and amend the IEP if needed. (S)
- 3.that the District denied meaningful parent participation by refusing to meet to amend the IEP [8.04.3.2]. (S)

OPEN COMPLAINTS

(33)

<u>Case#</u>	<u>School District</u>	<u>Status</u>
<u>2023</u>		
C-23-39	KIPP Delta SD	Pending Compliance
<u>2024</u>		
C-24-17	LISA Academy	Pending Compliance
C-24-25	Scholarmade Achievement Charter	Pending Compliance
C-24-29	Springdale SD	Pending Compliance
C-24-34	West Memphis SD	Pending Compliance
C-24-39	PCSSD	Pending Compliance
C-24-41	Searcy SD	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 Compliance
C-24-52	Berryville SD	Pending Compliance
C-24-56	LISA Academy	Pending Compliance
C-24-58	PCSSD	Pending Compliance
C-24-60	Bentonville SD	Pending Compliance
C-24-61	Southwest AR Education Co-Op	Pending Mediation
C-24-63	Academics Plus Charter School	Pending Compliance
C-24-64	Southwest AR Education Co-Op	Pending Compliance
C-24-65	Blytheville SD	Pending Compliance
C-24-66	LRSD	Pending Compliance
<u>2025</u>		
C-25-01	Dumas SD	Pending Compliance
C-25-02	Dumas SD	Pending Compliance
C-25-03	Mulberry SD	Pending Compliance
C-25-04	LISA Academy	Pending Compliance
C-25-05	KIPP Delta SD	Pending Investigation
C-25-07	Ouachita River SD	Pending Investigation
C-25-08	Beebe SD	Pending Investigation
C-25-10	LRSD	Pending Investigation
C-25-11	NLRSD	Pending Investigation
C-25-12	Ft. Smith SD	Pending Investigation

CLOSED COMPLAINTS
(11)

<u>Case#</u>	<u>School District</u>	<u>Status</u>
<u>2023</u>		
C-23-29	Springdale SD	Met Compliance/closed
<u>2024</u>		
C-24-02	Hope Academy of NWA	Met Compliance/closed
C-24-11	Jackson County SD	Closed No C/A
C-24-27	Lawrence County SD	Met Compliance/closed
C-24-28	Emerson Taylor Bradley SD	Met Compliance/closed
C-24-40	fort Smith SD	Met compliance/closed
C-24-42	PCSSD	Met Compliance/closed
C-24-44	PCSSD	Met Compliance/closed
C-24-54	Mammoth Springs SD	Denied
C-24-57	Mineral springs SD	Closed No C/A
C-24-62	PCSSD	Closed No C/A
<u>2025</u>		
C-25-06	Smackover SD	Denied
C-25-09	Baron-Lexa SD	Denied