

**ARKANSAS DEPARTMENT OF EDUCATION
SPECIAL EDUCATION UNIT**

**XXXXXXXXXX
As Parent of
XXXXXXXXXXXXXXXXXX**

PETITIONER

VS.

NO. EH-26-29

ARKANSAS SCHOOL FOR THE DEAF AND BLIND

RESPONDENT

HEARING OFFICERS FINAL DECISION AND ORDER

Issue Presented:

1. Whether the school complied with IDEA when it changed Student's education to the Rogers School District on January 6, 2026?

34 C.F.R. § 300.532 sets forth the relevant issues an expedited hearing:

- (a) General. The parent of a child with a disability who disagrees with any decision regarding placement under §§ 300.530 and 300.531, or the manifestation determination under § 300.530(e), or an LEA that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others, may appeal the decision by requesting a hearing.

As set forth above, this Hearing Officer will address the District's change in Student's placement complied with IDEA. Parent also asserted in her complaint that the District violated IDEA in impeding her parental participation in Student's education and other issues outside the bounds of an expedited matter, as outlined in 34 C.F.R. 300.532. Those issues were bifurcated from this matter and are preserved for Parent to raise in a later non-expedited complaint. The District also argues that this Hearing Officer should find that Rogers is an appropriate placement and raises other issues that are outside the bounds of this expedited hearing, and those issues likewise will not be addressed herein.

Procedural History:

On January 20, 2026, the Arkansas Department of Education ("ADE") received a request to initiate an expedited due process hearing ("EH-26-29") from XXXXXX ("Parent"), as parent of XXXXXXXX (hereinafter referred to as "Student") against the Arkansas School for the Deaf and Blind ("District"), alleging Student's change in placement violated IDEA and other allegations that were outside of the expedited matter and will be addressed in a separate non-expedited complaint to be filed by Parent.

In response to the Parent's request for an Expedited Due Process hearing, the ADE assigned the case to this impartial hearing officer. Thereafter, the Prehearing conference was scheduled for February 3, 2026, and the Expedited Due Process Hearing was held on February 6, 2026, in compliant with ADE regulations. Present for the Hearing were Nicole Clark, attorney for the Parent, Parent, Brianne Franks, attorney for the District, Nicole Walsh, Clayton Higgins, Cora Majan, Anna Snare, Beth Helms, Sue Lyn Green, Randi Leann Brazeal, Barbara Cole, Patrick Hoover, and Rick Porter.

The following witnesses testified in this matter: Parent, Amy Faith ("Rogers' Assistant LEA"), Sarah Anderson ("Rogers' Special Education Consultant"), Rebecca Walters ("Rogers' Deaf Education Coordinator"), Tita Devore ("Rogers Executive Director"), Charity Means-Burdess ("Rogers' School Psychology Specialist"), Anna Snare ("District's Counselor"), Beth Helms ("District's Case Manager"), Sue Lyn Green ("District's Behavior Specialist"), Deana Shields ("District's Nurse"), Nicole Walsh ("District's Superintendent"), and Randi Leann Brazeal ("District's LEA").

Having been given jurisdiction and authority to conduct the hearing pursuant to Public Law 108-446, as amended and Arkansas Code Annotated §6-41-202 through §6-41-223, this

Hearing Officer for the Arkansas Department of Education, conducted an open impartial hearing, as an open hearing was requested. Both parties were asked to provide post-hearing briefs, and both parties timely provided post-hearing briefs.

Findings of Fact

1. Student is an eleven (11) year-old girl currently in the fifth grade, who has attended the Arkansas School for the Deaf and Blind (“District”) as a residential student since kindergarten beginning in the fall of 2019, which is classified as a residential school on the placement continuum. See P. Ex. p. 93, 146; Tr. p. 16, 167-168.
2. Despite her residential placement, Student was at home for periods of time when her seizures were being diagnosed in the past couple of years and when her dairy allergy was being diagnosed in April of 2025. See Tr. p. 31, 167-169, 217. Attendance data reflects Student had excused absences in the 2024-2025 school year from September 10-13, 2024, unexcused absences from September 23-26, 2024, excused absences from October 14-18, 2024, excused absences from October 29-November 1, 2024, excused absence on November 18, 2024, unexcused absences from November 19-23, 2024, unexcused absences from December 17-20, 2024, unexcused absence on January 6, 2025, excused absences on February 3-7, 2025, unexcused absence on March 10, 2025, excused absences on April 4-8, 2025. See D. Ex. p. 114-118.
3. Parent resides in the Rogers School District (“Rogers”), and Student stays with Parent and step-father when not at the District. See Tr. p. 27.
4. Student is diagnosed with epilepsy, asthma, Rubella, Cytomegalovirus (“CMV”), and bilateral hearing loss secondary to TORCH ((Toxoplasmosis, Other (like Syphilis), Rubella, cytomegalovirus, and Herpes simplex virus)), for which she wears two

- cochlear implants. See Tr. p. 15, 216; P. Ex. p. 132-135. In addition, Student has a dairy intolerance and is in remission for nephrotic syndrome. See Tr. p. 34; P. Ex. p. 135. Her primary mode of communication is American Sign Language (“ASL”) and has limited spoken language. See P. Ex. p. 132-134. She has significant delays in English language, reading, and writing skills; her progress in math, social studies, and science is also negatively impacted by her diagnoses, and she received special education. See P. Ex. p. 132.
5. In the Spring semester of 2025, Student experienced a high increase in seizures; Student was also seeing a kidney doctor and was diagnosed with a dairy allergy in April of 2025. See Tr. p. 31, 162-166, 217-219; D. Ex. p. 23. Student had approximately 13 medication changes between September of 2024 and January of 2026; many medication changes were attempts to get better control over her seizures in the spring of 2025. See Tr. p. 217-218. With the increased medications, Student experienced drowsiness, trouble staying awake, trouble getting up. See Tr. p. 166, 218. Student was also being weaned from medications for nephrotic syndrome during the spring of 2025. See Tr. p. 218. The happy child Student had been was rarely accessed. See Tr. p. 166.
 6. The Notice of Action dated April 30, 2025 stated that Extended School Year Services (“ESY”) were discussed due to regression of skills after increased seizure activity. See D. Ex. p. 73.
 7. On April 30, 2025, the District’s Behavior Specialist conducted a Functional Behavior Assessment (“FBA”) for Student, as an update from the 2015 FBA, to determine the purpose of Student’s behaviors and the circumstances surrounding them, and it was determined that her primary motivation was access to peer and adult attention with

- access to preferred items and escape non-preferred tasks as secondary functions. See D. Ex. p. 47-50, 206-222. The District then created a Behavior Intervention Plan (“BIP”) with strategies to implement with Student to decrease her maladaptive behaviors and increase her positive behaviors; her rewards were attention, outdoor play, certain toys, specific foods and drinks, and television shows. See D. Ex. p. 51-55.
8. Student’s May 2, 2025 IEP (“May 2025 IEP”) states that Student is a residential student at the school because the “state school is the only school with full provision in ASL with support services that meet[] [Student’s] specific needs; her continuum of placement was listed as “residential school” with 0% of the time per week in general education. See D. Ex. p. 131, 158. Parent input reflects that Parent disagreed with the IEP team that Student did not qualify for ESY based on the data collected and presented and that Student would participate in the Rogers ESY program in the month of June. See D. Ex. p. 150.
 9. On May 19, 2025, documentation reflects that Student held a pillow over another student’s face, and Case Manager testified the behavior appeared to be an attempt to gain attention. See Tr. p. 159-162; D. Ex. p. 4. Student was suspended for 7.5 days, and the District conducted a Manifestation Determination Review (“MDR”) on May 27, 2025. See Tr. p. 173, 196-197; D. Ex. p. 183. The MDR team determined that Student’s behavior did not result from her disability, which was Deaf/Hard of Hearing and maintained Student’s 7.5 days of suspension out of school. See D. Ex. p. 186-192. There was a complaint made to the Arkansas Department of Education (“ADE”) regarding the District’s moving Student to virtual instruction after that MDR, and the

- District was required to reconvene and redo the MDR for that same incident. See Tr. p. 173-175. Student returned to the District in the fall of 2025. See Tr. p. 180.
10. In the Notice of Action dated June 3, 2025, the District documented an amendment to Student's IEP, allowed Student to return to the District for the final 5 days of instruction in the 2024-2025 school year, and noted that Student had increase seizure activity, medical sedation, ongoing physical needs, a decrease in spontaneous language use, withdrawal, refusals, and perseveration despite use of previous motivators. See D. Ex. p. 23, 31, 178-179, 247-248. It noted that Student had seizures at school and received medical attention from the nurse; there were two incidents when Parent took Student to the hospital for seizures while Student was at home during the spring. See D. Ex. p. 178. Student's IEP team discussed partial or hybrid programming and determined it was not feasible due to distance from home and transportation constraints. See D. Ex. p. 24. It was also noted that Student had a "dramatic loss of responsiveness to reinforcers, decline in initiation, emotional expression, and interaction suggesting medical sedation is overriding behavioral motivation. See D. Ex. p. 31.
 11. Rogers provided Student ESY in the summer of 2025, and Student returned to the District in August of 2025. See Tr. p. 180; D. Ex. p. 1-3, 32.
 12. On August 7, 2025, Student had a major behavior incident in which she was attempting to grab items from a teacher's desk, BCBA stepped in to block her and escorted Student into the hallway. See D. Ex. p. 266. Student then ran into the girls' bathroom and attempted to close the stall door to lock it, and BCBA blocked full door closure to monitor her. *Id.* Student pooped, wiped, and threw toilet paper with fecal matter onto BCBA's hair and clothing. *Id.* Counselor arrived and spoke with Student about her

- choices, and Student began to cry and request Hello Kitty coloring book. Id. When told she would have to work first, Student resumed maladaptive behavior by falling to the floor, grabbing electrical wires, crawling under furniture, grabbing items and refusing to move. Id. Then, Student was transported to the calming area and fell asleep for 35 minutes. Id. After waking, Student Facetimed with Parent and then walked to class and resumed her classwork. Id.
13. Between August 7 and August 25, 2025, Student had six behavior incidents in the 2025-2026 school year, with one major incident. See Tr. p. 180; D. Ex. p. 1-3, 261-294. For comparison, from May 7 to May 20, 2025, Student had 9 behavior incidents, and 8 of the 9 incidents were classified as major behavior incidents requiring administrator intervention. See D. Ex. p. 3-4. The remainder of the District's behavior data was prior to May of 2025. See D. Ex. p. 1-15; p. 59-72.
 14. On September 16, 2025, a new FBA was completed for the purpose of updating the BIP to address Student's behaviors. See D. Ex. p. 303-311, 424-441. The FBA noted a decrease in the frequency of challenging behaviors of 76% occurred between the 2023-2024 school year and the 2024-2025 school year, due to increased absences, medication changes, seizure activity, and the behavior strategies in Student's BIP. See D. Ex. p. 424. Her targeted behaviors were pulling objects off walls and shelves, throwing objects, destroying objects, touching other students, taking items belonging to others, turning over furniture, climbing or standing on furniture, pouring out liquids, turning lights off/on, forcefully hitting others, biting others forcefully, and throwing objects at others, moving her body away from or continuing to play with preferred items when asked to engage in a task, repeatedly asking the same question, repeated

- reviewing a schedule of events, requesting a preferred person/item/event. See D. Ex. p. 425. Student's motivators continued to be gaining attention and preferred items with perseveration over items resulting in aggression. See D. Ex. p. 303. It was noted that her seizure medication was decreased over the summer resulting in Student being more aware, alert, and communicative. See D. Ex. p. 304. Also noted was that Student did not consistently exhibit desirable replacement behaviors and continued to be highly motivated by tangible reinforcers, which fueled the perseveration of items if the items were not attained. Id. Student's BIP was updated. See D. Ex. p. 304-310; 434-441.
15. On September 18, 2025, Student's MDR team met to reconsider Student's May 27, 2025 behavior incident, as ordered. See D. P. 330; D. Ex. p. 350; Tr. 173-175. The team determined that Student's behavior in that incident was not a manifestation of her disability of Hearing Impairment, including Deafness. See D. Exp. 330.
 16. On September 30, 2025, Student's IEP team met to update Student's IEP in light of the new FBA and BIP ("September 2025 IEP"). See D. Ex. p. 311-331, 315-316, 365-366. The IEP noted that Student "continued to demonstrate significant behavioral needs that interfere with her learning and the safety of others." See D. Ex. p. 316. The September FBA reflected that Student was exhibiting on a weekly basis 4.33 occurrences of aggression, 7.16 occurrences of disruptive behavior, 5.5 occurrences of task refusal, and 1.33 occurrences of perseveration, which were maintained by access to tangibles, attention, and escape. See D. Ex. p. 316, 330. Student's disabilities continued "to impact her regulation, communication, and peer interactions," and intensive adult support remained necessary for safe participation in academic and residential settings. See D. Ex. p. 316. Student's placement continued to be "residential school" with no

- general education time, and her behavioral probationary period was lifted as of the meeting. See D. Ex. p. 326, 350, 361. It was noted that Student had not adjusted to parental separation during her five years of residential placement and demonstrated stronger task completion and productivity during ESY at Rogers than at the District. See D. Ex. p. 327. The team planned to use the comprehensive “evaluation results to determine whether continued placement at [the District], return to the resident district, or a hybrid model best represent [Student’s] LRE.” See D. Ex. p. 362.
17. From kindergarten to November 11, 2025, Student received special education under the category of Deaf/Hard of Hearing. See P. Ex. p. 81; D. Ex. p. 186-192.
 18. On November 11, 2025, Student’s IEP team and several staff members from Rogers met to review her comprehensive three-year evaluation, discuss her eligibility category, and update her IEP (“November 2025 IEP”). See Tr. p. 18; P. Ex. p. 125, 136; D. Ex. p. 340-341, 367, 385-404, 445-464. In light of her complex medical conditions, the Notice of Action documented that the team changed Student’s eligibility “from Hearing Impairment, including Deafness, to Multiple Disabilities to reflect the integrated nature of her communication, cognitive, behavioral, and medical needs.” See P. Ex. p. 136; Tr. p. 367. Student’s Occupational Therapy Evaluation completed on October 15-16, 2025 reflected that Student scored higher overall on a test, but her individual skills did not improve significantly; she continued to cooperate most of the time in therapy and continued to be motivated by Hello Kitty stickers and praise. See D. Ex. p. 406-407. Student’s Speech Evaluation completed between September and October of 2025 noted that Student continued to benefit from a visual schedule, token board, frequent breaks, and random interval reinforcement using consumables to maintain cooperation with

tasks she perceived as difficult, her verbal output was reduced, and she appeared to do her best, despite struggling to keep her eyes open due to seizure medication. See D. Ex. p. 407-419. Student's Speech Evaluation Amendment dated November 11, 2025 stated that Student had progressed since the November 2025 annual review but the November 2025 comprehensive reevaluation reflected a plateau in expressive language growth, limited conversational reciprocity, and continued dependence on adult mediation during communication breakdowns; her goals were adjusted accordingly. See D. Ex. p. 474-475. Her Physical Therapy ("PT") assessment reflected that she could usually be motivated using a token board and Hello Kitty stickers; she continued to require PT but the report did not note that she was not cooperative with therapy. See D. Ex. p. 419-424. District Counselor reported on April 14, 2025 that Student was making progress on her social-emotional goals and participates and cooperated during the social-emotional curriculum. See D. Ex. p. 465-467. The District's APRN wrote a letter dated November 6, 2025 stating Student would benefit from returning to Parent since the transition from home to school is causing significant separation anxiety and behavioral concerns for Student, which complicate her medical issues including seizures. See D. Ex. p. 476. In the November 2025 IEP, Student's placement continued to be "residential school" with zero time in general education and noted that Student "requires a comprehensive educational setting that provides coordinated access to Total Communication consistent adult support, and embedded health-related care throughout the school day," and the District "currently offers the integrated structure needed to implement her IEP, [BIP], and Individualized Health Plan (IHP) with fidelity. Given her medical profile, developmental delays, and communication needs, this setting

continues to support her access to instruction and safety.” See P. Ex. p. 146-147. The November 2025 IEP states that the team initiated a 60-day hybrid trial with Rogers to collect comparative data regarding communication access, behavioral regulation, and educational benefit.” See P. Ex. p. 147. However, the Notice of Action documents that the team discussed changing Student’s placement to Rogers for a “hybrid 60-day trial,” but that option was “tabled” for further discussion at a meeting scheduled for December 10, 2025. See P. Ex. p. 125; D. Ex. 367. Testimony established that the “hybrid” option was rejected because there was no agreement and no understanding of how it would work and confirmed the placement issue was tabled to be discussed at the next meeting. See Tr. p. 19-20. The Notice of Action further reflects that immediate transition to Rogers was rejected because there was insufficient behavioral, academic, and medical data to support the placement at the time. See D. Ex. p. 367. The November 2025 IEP Meeting was ended because Student was sick, and Parent needed to meet the bus transporting Student to Parent. See P. Ex. p. 153.

19. On November 12, 2025, a second Notice of Action was provided from the November 2025 IEP meeting the day before. See P. Ex. p. 127; D. Ex. 441. It stated that a change of placement to Rogers after Thanksgiving break was rejected due to hesitation by Parent and Rogers; the team would reconvene on December 10, 2025 to further discuss the “hybrid” placement in Rogers due to academic, health, anxiety, and emotional regression at the District. *Id.* It documented that Student was fixated on Parent and when she will get to go home. *Id.*
20. Also, on November 12, 2025, the November 2025 IEP Summary was issued, which noted that “reinforcement systems must be adapted to account for [Student’s] lack of

- initiation, limited affect, and reduced awareness of others. Traditional behavior strategies, such as preferred items, praise, or peer interactions, are currently ineffective.” See P. Ex. p. 129-130; D. Ex. p. 443-444.
21. On November 18, 2025, Rogers’ Assistant LEA emailed District’s Special Education Director to raise questions about the accuracy of certain statements in the November 11, 2025 Notice of Action, including that Rogers did not agree to or understand the “hybrid trial,” that Rogers was not familiar with a “comparative psychoeducational evaluation,” whether the current re-evaluation met ADE requirements, that placement was not discussed at the November 2025 IEP meeting as described in the Notice of Action,” and Rogers asked to add an auditory goal for Student that was rejected by the District. See P. Ex. p. 150-155; Tr. p. 51-55. District’s LEA did not agree to changes to the November 11, 2025 NOA, so the NOA remained unchanged. *Id.*
 22. Between December 1 and 3, 2025, Parent and her advocate requested Student’s evaluations, progress reports, behavior data, grades, therapy notes, and any data that supports that Student is not making progress, so that she could review everything ahead of time. See D. Ex. p. 558-559.
 23. On December 10, 2025, Student’s IEP team reconvened to discuss a possible change of placement for Student (the “December 2025 IEP Meeting”). See Tr. p. 20; P. Ex. p. 156-157; D. Ex. p. 477, 479-480. Parent brought a parent advocate (“Advocate”) with her, who requested that the meeting be tabled to allow time for Parent and Advocate to review records requested between December 1 and 3, 2025 and did not receive in their entirety before the beginning of the meeting. See D. Ex. p. 479; Tr. p. 53-55, 156, 251-253. The District raised the issue of changing Student’s placement to Rogers, but there

was no agreement. See Tr. p. 20-22, 63-64, 153-156; P. Ex. p. 157; D. Ex. p. 479; 551-553, 549-550. The meeting was tabled in favor of a facilitated IEP meeting, which Parent later declined believing that a productive IEP meeting could proceed without facilitation, and placement was not changed. Id.

24. Also on December 10, 2025, Student had a major behavior incident that began when Student was asked to redo an assignment that she did not complete as instructed (the “December 10 Incident”). See D. Ex. p. 484-495; P. Ex. p. 158-169. When handed another printed assignment, Student tore up the paper and requested a laptop; when presented with her Mom card, Student grabbed the card and threw it to the ground; and then, she grabbed another student’s laptop and threw it on the ground. Id. Then, she attempted to take the teacher’s phone and put her hand around the teacher’s throat and scratched the teacher’s face. Id. The teacher called the District’s Behavior Specialist who removed the sticky notes from Student’s hands that Student was marking on. Id. Student then crawled under teacher’s desk and threw a bag at the Behavior Specialist. Id. When the Behavior Specialist attempted to move Student toward the door, Student dropped to the floor grabbing at the legs of desks and the Behavior Specialist’s clothing. Id. District’s Counselor arrived and began to attempt to give Student the choice to stand up and walk out of the room or be assisted to a safe area to calm. Id. When Student would not stand, another staff member assisted the Behavior Specialist in lifting Student to a standing position and walking her to the door. Id. Student dropped to the ground again and began to cry and then requested toilet and was told she could use the restroom in the dorm. Id. Student appropriately entered the restroom stall, locked it, urinated, and pulled up her pants, but then, she refused to unlock the stall

door and held the slide lock in place with her hand. *Id.* District's Behavior Specialist crawled under the stall to unlock the door, and then Student independently walked back into the hallway but refused to enter the safe room to calm. *Id.*

25. That same day, Student was suspended as a result of the major behavior incident; testimony was inconsistent on whether the suspension was 7.5 or 10 days. See P. Ex. p. 159-171; Tr. p. 45, 159, 179-183, 234-241; D. Ex. p. 484. There was no manifestation determination review. See Tr. p. 43-44, 239-240. Parent did not recall if Student had earlier suspensions in the fall of 2025 or the number of days that Student was suspended for the December 10 Incident. See Tr. p. 21, 40-41. Parent recalled receiving a voicemail from Superintendent who said Student had grabbed at a teacher's neck and pulled hair, and Parent had to pick Student up. See Tr. p. 40-41. She believed Superintendent said Student was suspended. See Tr. p. 42. Parent also recalled the Behavior Specialist sent a text message saying Student was doing well and then things turned around and Student pulled at the teacher's hair and tried to grab her next. See Tr. P. 41-42. Behavior Specialist did not know how long Student was suspended after the December 10 Incident. See Tr. p. 183. Superintendent testified that she approved the principal's decision to suspend Student for 7.5 days after the December 10 Incident. See Tr. p. 234-235. When asked what documentation shows Student was suspended for 7.5 days, Superintended replied that she made a phone call to Parent and that there should be a suspension record but that was not in the exhibits. See Tr. p. 235. Superintendent did not testify that she informed Parent of the length of the suspension. See Tr. p. 235-236. Superintendent testified that the suspension was until the end of the semester or 7.5 days and the length of the suspension did not require a manifestation

- determination review. See Tr. p. 234-241. The last day of the semester was December 19, 2025. See Tr. p. 241. Case Manager testified that Student had a suspension of 2.5 days earlier in the year, which likely referred to spring of 2025, and then after reviewing results testified that Student had no suspensions in the fall of 2025 prior to December. See Tr. p. 158, 179-180.
26. On December 11, 2025, based on the District's response, it appears that Parent emailed District's LEA asking if Student's work would be sent home during the suspension, for copies of Student's attendance, the behavior incident report, pictures and video. See D. Ex. p. 560.
 27. Parent declined to move forward with the facilitated IEP meeting. See P. Ex. p. 156; D. Ex. p. 479; Tr. p. 22, 153-156, 250-251.
 28. On December 17, 2025, the District sent a Notice of Conference via email to Parent scheduling an IEP meeting for Student on January 6, 2026 at 10:30 am, which Parent testified she received. See P. Ex. p. 170-173; D. Ex. p. 521-523; Tr. p. 23-25; 245-246.
 29. On December 23, 2025, the District sent a second Notice of Conference via email to Parent regarding the IEP meeting on January 6, 2026 at 10:30 am, which Parent testified she received. See P. Ex. p. 172-173; D. Ex. p. 521-523; Tr. p. 24-25; 245-246.
 30. On January 5, 2026, the District sent a Notice of Conference via email at 10:29 am reminding Parent of the IEP meeting on January 6, 2026 at 10:30 am, which Parent testified she received. See P. Ex. p. 174-175; D. Ex. p. 521-523; Tr. p. 24-25; 245-246.
 31. On January 5, 2026 at 11:43 am, Parent emailed the District LEA stating: "I apologize that I will not be able to attend the meeting tomorrow. I am in the process of securing legal assistance. Also, when will [Student] be able to return to school." See P. Ex. p.

- 174; Tr. p. 26-27. District LEA testified that Parent did not request that the meeting be rescheduled in Parent's email dated January 5, 2026. See Tr. p. 257.
32. At 11:54 am on January 5, 2026, District's LEA responded that the District would "go on with the meeting tomorrow and make the referral back to the school district. She will be able to start Rogers on Wednesday." See P. Ex. p. 174. LEA did not respond regarding when Student could return to school at the District. Id.
33. At 12:23 pm, Rogers' Executive Director emailed the District's LEA stating Rogers staff would not be attending the January 6, 2026 meeting without Parent present and suggested that the meeting be rescheduled at a mutually agreed upon time. See P. Ex. p. 176-177; See Tr. p. 107. An email from the Rogers' Executive Director at 1:25 pm also confirmed that Rogers had a conflict with the January 6, 2026 because a site visit was scheduled. See P. Ex. p. 176. She did not understand logistically how a hybrid model for Student would work. See Tr. p. 112-113.
34. Based on the District's response, on or before January 6, 2026 at 10:12 am, Parent's legal counsel emailed the District requesting Student's records and that the meeting be rescheduled. See P. Ex. p. 189; Tr. p. 37-38. She tries to be respectful of parental participation. See Tr. p. 112-113. Superintendent responded on January 6, 2026 that the meeting would move forward. See P. Ex. p. 189. Student's Case Manager testified that she was notified that Parent hired an attorney fifteen minutes before the January 6, 2026 IEP meeting. See Tr. p. 151.
35. On January 6, 2026, Student's IEP team convened ("January IEP") without Parent or Rogers staff to "review the recent behavior that led to [Student's] suspension on the afternoon of 12/10/2025 and to move forward the with Change of Placement Meeting

to refer [Student] to her home school district[] of Rogers.” See Tr. p. 11; P. Ex. p. 190-212. Rogers’ School Psychology Specialist testified that the entire IEP team, including the parent, should make a placement decision. See Tr. p. 112. The Notice of Action states that keeping Student at the District was “considered but rejected due to Student’s need to be in her home district, where she can go home to [Parent] nightly, as this was causing undo stress to [Student’s] health and wellbeing as well as academic progress decline.” See P. Ex. p. 190. The meeting notes dated January 6, 2026 documented that the District had not received a notice of a due process complaint, so there were no stay-put protections in effect. See P. Ex. p. 192. The January IEP Summary and January IEP reflect a change in placement from residential school to regular class less than 40%: 1/6/26-4/29/26. See P. Ex. p. 193-194, 210. The January IEP states that “[m]ultidisciplinary data over multiple years demonstrate a plateau and periods of regression in the student’s communication, academic engagement, and behavioral regulation despite consistent access to specialized Deaf education services. During the current IEP term, the student exhibited increased emotional dysregulation and physical aggression toward staff, students and property, most recently 12/10/25, resulting in disciplinary removal and supporting previously documented significant safety concerns for herself and others. In light of these factors, the IEP team determined that the current placement no longer provides meaningful educational benefit and that a less restrictive setting closer to home may better support the student’s ability to access FAPE while maintaining closer family ties and support within her educational placement setting to improve personal health and safety.” See P. Ex. p. 200. Parent’s understanding is that Student’s placement was changed due to her behavior. See Tr. p. 38. District’s BCBA

testified that the December 10 Incident was “not at all” the reason for placement at Rogers. See Tr. p. 211. Superintendent also testified that the December 10 Incident did not affect Student’s January IEP placement in Rogers in any way, although the incident was discussed at the January IEP Meeting, as it would have been a return after suspension. See Tr. p. 246-247.

36. Superintendent believed January 6, 2026 was the District’s first day in which school was back in session, but she would have to look at a calendar to be sure. See Tr. p. 236-237. Superintendent was not sure whether Student remained suspended on January 6, 2026 and would need to look at a calendar to know. See Tr. p. 235-236. Superintendent testified there was probably communication or miscommunication about whether Student was able to return to school due to the IEP meeting on Tuesday, January 6, 2026, but Student did not get on the bus on Sunday, January 4, 2026. See Tr. p. 236-237. The District usually picked Student up in Clarksville at Parent request, and Parent had not requested that the District pick Student up to Superintendent’s knowledge for Sunday, January 4, 2026. Id. If Student had come to school on January 6th, the IEP meeting would have occurred, “and then, per the discussion during the IEP meeting [Student] would have been referred to [Rogers] to begin eligibility to enroll on Wednesday. See Tr. p. 237. Superintendent agreed with the change in Student’s placement to Rogers based on the recommendations of District professionals, her personal knowledge of Student’s consistent requests for Parent, and data showing Student’s progress is plateaued or regressing. See Tr. p. 237-239. Despite the LEA’s email to Parent on January 5, 2026 reflecting that Student would be referred back to Rogers, Superintendent did not admit that Student’s placement at the January 6, 2026

IEP meeting was pre-determined, but she admitted it was absolutely “prediscussed.”
See Tr. p. 253-254; P. Ex. p. 174.

37. On January 7, 2026, Parent received the Notice of Action, which did not note that Parent’s attorney requested the meeting be rescheduled. See Tr. p. 37; P. Ex. p. 190.
38. The District’s Nurse testified that Student had complex medical conditions that required over 13 medication changes in the last year, but Student’s doctors are all located near Rogers. See Tr. p. 167-168, 216-218. She may see Student twice daily when she comes in for medications, and she is usually called to assist any time Student has a behavior or medical crisis. See Tr. p. 216. She has known Student since 2020. See Tr. p. 216. Student did have seizures, but at times had given the appearance of a seizure and then get up without exhibiting post-seizure behaviors when she was told that she could call Parent. See Tr. p. 220-222; D. Ex. p. 224-234. Nurse testified that Student had been exhibiting an increase in seizures when she returned to the District after being home with Parent, and she was in favor of Student changing placement to Rogers due to Student’s regression. See Tr. p. 221-227.
39. The District’s Counselor testified that Student’s behavior did not improve despite all her efforts over the course of the past year. See Tr. p. 128. She further testified that Student’s behavioral incidents increased over the last year, and Student’s primary motivation for maladaptive behaviors was to be with Parent. See Tr. p. 129-130. Student’s IEP team decided to change her placement to Rogers. See Tr. p. 142.
40. Case Manager also testified that Student’s behavioral incidents had increased and that Student knew when she did something to hurt someone that it resulted in her being removed from the District and sent to Parent, which was Student’s primary motivator.

See Tr. p. 161. She testified Student asked for Parent 50 times a day, and Student asked for Mom after each behavior incident. See Tr. p. 161. Case Manager testified that there were increased safety concerns for Student, as her seizures were more frequent and for the District staff and other students who are affected by her behavioral incidents. See Tr. p. 162-164. She testified that Student had already had a 2.5 day suspension earlier in 2025, so the Behavior Specialist and principal reviewed the records of suspensions, incidents, and determined that a 7.5 day suspension met the need. See Tr. p. 158-159. Then, she testified Student may have been suspended for 10 days. See Tr. p. 159. She first testified that she believed Student was suspended for the full ten days and then said she was unsure about the suspension because she did not have the record in front of her. See D. Ex. p. 180. She could not attest to whether or not Student drew blood in the December 10 behavior incident. See Tr. p. 173. Case Manager testified she was in favor of the change in placement to Rogers due to Student's communication regression, for example forgetting the names of her classmates and District staff, being unable to find her words, which she believed to result from Student's medications. See Tr. p. 176-179. She also testified that the District was the most restrictive placement on the spectrum of least restrictive environments because there was no access to general education students. See Tr. p. 170-171. Rogers would be a less restrictive environment for Student, and the District wanted to see if Student would be more successful in the less restrictive educational setting at Rogers. *Id.*

41. The District's BCBA testified that Student's maladaptive behaviors were motivated by her desire to gain attention. See Tr. p. 187. Student's behavior incidents had increased, as well as seizure activity. See Tr. p. 187. District's Behavior Specialist testified that

she believed Student's behaviors resulted from the environment and that there were also some physiological variables in place that Behavior Specialist could not see or control, which is the reason there is no clear antecedent for Student's behaviors. See Tr. p. 206-207. The BCBA also testified that Student had 11 major behavior episodes in the fall of 2025, but the documentation of those incidents was not in evidence. See Tr. p. 191-192, 209-210. A major behavior incident means an administrative-managed event including injury, harm to another person, disruptive behavior that would include destroying property, turning over furniture, pouring out liquids, throwing objects, and elopement. See Tr. p. 193. The major events listed in Student's behavioral incident dashboard in 2025 included holding a pillow over another student's face, putting scissors to a teacher's neck and attempting to cut her hair, repeatedly hitting and throwing objects at other students. D. Ex. p. 1-22, 266, 267-268, 276-278; Tr. p. 193-202. Student's FBA reflected that her triggers were returning to the District after a weekend home, being told no, and not receiving a preferred reward. See Tr. p. 203, 205. Student's primary reinforcer or reward was to talk with or see Parent. See Tr. p. 204. Student had begun making repeated requests for Parent and tangible items were no longer sufficient to decrease maladaptive behaviors; Student was not meeting her goals on the FBA. See D. Ex. p. 47-58; Tr. p. 205-208. The District's BCBA was in favor of changing Student's placement to Rogers because the data is inconclusive about the best placement for Student, she is curious, and she wants to see Student get what she needs. See Tr. p. 206, 211.

42. Rogers' Special Education Consultant testified that she became involved with Student's meetings in June of 2025 and had been involved since, although she had to

miss one meeting. See Tr. p. 79. She attended the November 2025 IEP meeting, and its purpose was to go over the re-evaluation, look at eligibility and placement; Student's category of eligibility was changed to Multiple Disabilities and there were changes to the IEP goals and present levels. See Tr. p. 79. A 60-day hybrid model was discussed, but Rogers' Special Education Consultant had a lot of questions about how that would work logistically since Student was not enrolled in Rogers and still is unclear about how that would work. See Tr. p. 80. She also attended the December 2025 IEP Meeting, and the purpose was to revisit the discussion of placement. See Tr. p. 81. Immediately after the meeting began, Parent's advocate asked to discontinue the meeting to give them more time to review records and schedule a facilitated IEP meeting, although Parent declined facilitation. See Tr. p. 81-82, 85. The usual procedure was to discuss the next meeting date when the IEP team was together for a meeting. See Tr. p. 88. Roger's Special Education Consultant testified she would need to see specific data showing the District is not adequately meeting Student's needs to give an opinion on her best placement, and when Student's placement has been discussed, the District seems to be giving more of an opinion that they feel Student is unhappy or not being successful. See Tr. p. 83. She had seen data showing Student made progress toward goals but had not seen data indicating that a change of placement was required. Id.

43. Rogers' Deaf Education Coordinator had been attending Student's IEP meetings for the past two and a half years. See Tr. p. 92. She attended the November 2025 IEP Meeting, and the purpose of the meeting was to go over testing results, discuss programming and placement. See Tr. p. 92-93. There was a discussion of a hybrid

- model, but Rogers was not sure how Student could be in two different districts. See Tr. p. 93. In the November 2025 IEP Meeting, she suggested an auditory goal to address Student's cochlear implants and be able to identify sounds in the environment, for example ambulances, but the District's Case Manager declined to add that goal. See Tr. p. 93-94. The December 2025 IEP Meeting was held to discuss Student's placement, and she recalled Parent's Advocate immediately asking for the meeting to be tabled to allow time for document review and facilitation. See Tr. p. 94-95. She believed Student's placement should be Parent's choice; Rogers cannot provide an immersive deaf culture like the District does. See Tr. p. 95-96. She had also directly provided services to Student in ESY the summers after third and fourth grades. See Tr. p. 99. Student had no major behavior problems, but summer school is more of a one-on-one basis than the school year. See Tr. p. 99.
44. Parent testified that she disagreed with changing Student's placement to Rogers based on her belief that Student needed to be in a community of deaf people to learn most and grow. See Tr. p. 20-21, 30.
45. On January 20, 2026, Parent filed this expedited due process request. See Complaint.
46. Student was not enrolled at school in Rogers and was home with Parent, as of the date of the hearing. See Tr. p. 39.

DISCUSSION AND CONCLUSIONS OF LAW

I. BURDEN OF PROOF

Before consideration of the Parents' claims, it should be recognized that the burden of persuasion lies with the party seeking relief. *Schaffer v. Weast*, 546 U.S. 49, 62 (2005). As Parent is seeking relief in this case, the burden of persuasion is on the Parent.

In the role of factfinders, special education hearing officers are charged with the responsibility of making credibility determinations of the witnesses who testify. *Albright ex rel. Doe v. Mountain Home Sch. Dist.* 926 F.3d 943 (8th Cir. 2019), *J. P. v. County School Board*, 516 F.3d 254, 261 (4th Cir. Va. 2008). This hearing officer found some testimony appeared inconsistent with documentation or other testimony, which made its credibility questionable. Some evidence, was more persuasive and reliable concerning the issues, which did affect this Hearing Officer’s decision as discussed below. In reviewing the record, the testimony of all witnesses and each admitted exhibit's content were thoroughly considered in issuing this decision.

II. WHETHER THE DISTRICT COMPLIED WITH IDEA AND STATE REGULATIONS IN CHANGING STUDENT’S PLACEMENT

Pursuant to C.F.R. § 300.536, a change in placement because of disciplinary removals occurs “when a removal is for more than 10 consecutive school days . . .” In relevant part, C.F.R. § 300.530(b)(1), Authority of school personnel, additionally states:

(1) School personnel under this section may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under § 300.536).

A. WHETHER THE CHANGE TO ROGERS WAS A CHANGE IN PLACEMENT

In its post hearing brief, the District argued that the change to Rogers was not a change in placement but merely a change in location to Student’s district of residence. However, every witness referenced Student’s “change in placement” to Rogers, and every IEP prior to the January 2026 IEP listed Student in a residential school setting, while the January 2026 IEP reflected that Student was placed in a regular class less than 40 percent of the time. Case Manager’s testimony

established that Rogers was a less restrictive setting than the District because Student had no access to general education peers at the District, and Student had attended the District from kindergarten to fifth grade.

A change in the level of restriction of an educational setting constitutes a change in placement, as the courts observed in *Carl D. v. Special School Dist. of St. Louis County, Mo.*, 21 F.Supp.2d 1042 (E.D. Mo. 1998) and *Missouri Dept. of Elementary and Secondary Educ. v. Springfield R-12 School Dist.*, 358 F.3d 992 (8th Cir. 2004). In *Missouri Dept. of Elementary and Secondary Educ. v. Springfield R-12 School Dist.*, 358 F.3d 992 (8th Cir. 2004), placement in a state approved private school for children who were deaf or blind constituted a change in placement, which means the converse move from a deaf and blind school to public education would also be a change in placement. See also *Independent School Dist. No. 283 v. S.D. by J.D.*, 88 F.3d 556 (8th Cir. 1996) In addition, A.C.A. § 5-14-132(a)(3), A.C.A. § 6-43-101 et seq, and specifically A.C.A. § 6-43-107(B) sets forth that the District is legally a public school district unto itself and is “responsible for all requirements under the student’s individualized education program.” Therefore, this Hearing Officer finds that the District did change Student’s placement in changing her IEP to reflect that she would attend Rogers in the January IEP.

B. WHETHER THE CHANGE IN PLACEMENT WAS BECAUSE OF DISCIPLINE

In this matter, District’s Superintendent and BCBA testified that the December 10 Incident did not cause the District to change her placement. The District fairly pointed out that it had been discussing a change in Student’s placement prior to the December 10 Behavior Incident, but Student had major behavior incidents in the spring of 2025 and August of 2025, which appeared to have spurred the discussion of a change in placement based on the documentation. Further, District staff testified they supported the change in Student’s placement due to Student’s regression; however, Student’s prior IEPs and evaluation reflected that Student had continued to

slowly progress, except for the spring when seizure medication appears to have severely impacted Student's ability to function. There was no evidence that the District considered how, if Student's regression was due to her seizures and seizure medication as the testimony supported, Student would receive any more educational benefit in Rogers than she would at the District. Moreover, there was no evidence of consideration by the District that Student might continue to need the "embedded health care" that the District was providing, as stated in the November 2025 IEP or a finding that Student no longer needed the "embedded health care."

The Notice of Action from the November IEP Meeting reflected that immediate transition to Rogers was rejected because there was insufficient behavioral, academic, and medical data to support the placement at the time, but there was no evidence that additional data was obtained between the November IEP Meeting and the January IEP Meeting to support the change in placement. Despite District staff statements that the change of placement was due to regression, the bulk of the District's testimony centered around Student's behavior and the inability to manage Student's behavior due to her motivation to be with Parent.

Although the District raised the issue of placement at earlier IEP Meetings, the District exhibited an urgency to change Student's placement to Rogers after the December 10 Incident. After that incident, the District first wanted to reschedule the meeting for Christmas Eve, and then scheduled the meeting for the first day of school after Christmas break with no cooperation regarding the meeting date, as had been customary. The District did not reschedule the January IEP Meeting despite Parent attorney's request that it be rescheduled, even though the District had been amenable to a last-minute request to table the December IEP Meeting, and the District moved forward with Student's January IEP Meeting without Parent, although Parent had consistently

attended prior meetings and had communicated with the District that she could not attend on January 6, 2026.

Whether or not all members of District staff intended for it to be, the January IEP Meeting appeared to this Hearing Officer to be a disciplinary removal in disguise. Superintendent confirmed that the January 6 IEP team did discuss discipline, as the meeting was an IEP meeting and suspension review. As the basis for the change in placement, the January IEP cites regression and states “[d]uring the current IEP term, the student exhibited increased emotional dysregulation and physical aggression toward staff, students and property, most recently 12/10/25, resulting in disciplinary removal. . . In light of these factors, the IEP team determined that current placement no longer provides meaningful educational benefit and that a less restrictive setting closer to home may better support the student’s ability to access FAPE . . .”

The above discussed evidence led this Hearing Officer to conclude by a preponderance of the evidence that the District’s change in Student’s placement at the January 6 IEP Meeting was due to Student’s behavior and discipline.

C. WHETHER THERE WAS A CHANGE IN PLACEMENT OF MORE THAN 10 DAYS IN THE SCHOOL YEAR

The period of suspension after the December 10 Behavior Incident was disputed. The dispute over the number of days of suspension, the relevant District staff who did not know how many days suspension Student received for the December 10 Incident, the absence of any documentation of the length of the suspension, and the Parent not knowing how long Student was suspended for the December 10 Incident, as corroborated by her January 5, 2026 email, all called into question the testimony that the suspension was for 7.5 days. There was various testimony stating that Student was suspended for 7.5 days, until the end of the semester which was approximately 7.5 days, or 10 days, but the only documentation was Parent’s email questioning

when Student could return to school on January 5, 2026, to which the District responded that Student would be placed in Rogers. If the suspension had only been limited to 7.5 days, Parent would likely have recalled being told that, as she recalled other details from Superintendent's voicemail informing her Student had been suspended. If the suspension had been limited to 7.5 days, the District would have responded to Parent's question regarding when Student could return to the District with a date; instead, the District responded that Student would be placed in Rogers.

The day after Parent asked when Student could return to the District, in the January 6 IEP meeting, the District changed Student's placement to Rogers, and there was no evidence that placement was temporary. The January IEP Meeting was held on the date that Superintendent believed was the first day of school after Christmas break, and it was held without the customary agreement to the date with Parent. The January IEP Meeting was held without Parent and placed Student in Rogers despite Parent counsel's emailed request on January 5, 2026 for the meeting to be rescheduled to allow her to attend. This Hearing Officer finds that the suspension and then change in placement to Rogers constituted a disciplinary removal for more than 10 consecutive school days.

D. WHETHER THE DISTRICT COMPLIED WITH REGULATIONS

Here, Parent disagreed with the District's change in placement of Student to Rogers on January 6, 2026 and has claimed the District failed to comply with regulatory requirements in doing so. 20 U.S.C. §1415 (k)(1)(B),(E),(G), and (H) set forth regulatory requirements pursuant to IDEA for changing a student's placement as a result of a student's behavior and states:

(B) Authority

School personnel under this subsection may remove a child with a disability who violates a code of student conduct from their current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives are applied to children without disabilities).

(E) Manifestation determination

(i) In general

Except as provided in subparagraph (B), within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the local educational agency, the parent, and relevant members of the IEP Team (as determined by the parent and the local educational agency) shall review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine—

(I) if the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or

(II) if the conduct in question was the direct result of the local educational agency's failure to implement the IEP.

(ii) Manifestation

If the local educational agency, the parent, and relevant members of the IEP Team determine that either subclause (I) or (II) of clause (i) is applicable for the child, the conduct shall be determined to be a manifestation of the child's disability.

(G) Special circumstances

School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, in cases where a child—

(i) carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a State or local educational agency;

(ii) knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency; or

(iii) has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency.

(H) Notification

Not later than the date on which the decision to take disciplinary action is made, the local educational agency shall notify the parents of that decision, and of all procedural safeguards accorded under this section.

1. Manifestation Determination

20 U.S.C. §1415 requires the district to hold a manifestation determination or an IEP meeting to discuss changing Student's placement with Parent. Here, the District did not hold a manifestation determination.

2. IEP Meeting

IDEA requires that placement decisions be made by a group including the Parent and individuals knowledgeable about the child and placement options, and that such decisions be based on the child's IEP, consistent with the least restrictive environment ("LRE") provisions. 34 C.F.R. § 300.116. 34 C.F.R. § 300.322(d) establishes that Parents are to be included in IEP meetings unless the District "cannot convince" a Parent to attend. The District did hold an IEP meeting on January 6, 2026, but the January 6 IEP meeting was held without Parent present. Parent did decline the facilitated IEP meeting, but the evidence did not establish that the District could not convince Parent to attend the January 6 IEP Meeting. In fact, on January 5, 2026, Parent's attorney requested the IEP meeting to be rescheduled to permit the attorney and Parent to attend, but the District moved forward with the January IEP Meeting anyway.

The District cited *Lathrop R-II Sch. Dist. v. Gray*, 611 F.3d 419, 427 (8th Cir. 2010) for the proposition that the District took the steps necessary to ensure Parent was afforded an opportunity to participate in the January 6 IEP Meeting; however, the Eighth Circuit issued no holding on notice in that case stating that if there was a technical IDEA violation that it did not affect that student's educational benefit. *Albright as Next Friend of Doe v. Mountain Home Sch. Dist.*, 926 F.3d 942 (8th Cir. 2019) was cited by the District in support of its contention that it met its notice requirements to Parent, but in that case, there was no evidence that parent requested the meeting be rescheduled, as in this case.

In *Kass v. W. Dubuque Cmty. Sch. Dist.*, 101 F.4th 562 (8th Cir. 2024), cited by the District, the Eighth Circuit Court of Appeals held that "an IEP is procedurally invalid 'when a school district predetermines the educational program to be provided to a disabled student . . . prior to meeting with the parents. Such behaviors would inappropriately deprive the parents of the meaningful

opportunity to participate in the IEP’s formulation.” In that case, the record indicated the parents were involved in drafting the IEP even though they were not at the IEP meeting. *Id.* Here, Superintendent emailed Parent on January 5, 2026 stating Student’s placement would be changed to Rogers, which evidenced that the decision to change Student’s placement was made prior to and not “in” the January 6 IEP Meeting. This Hearing Officer finds that the District’s predetermination significantly impeded the parents’ opportunity to participate in the decision-making process regarding placement. For the above stated reasons, this Hearing Officer finds by a preponderance of the evidence that the District failed to comply with IDEA in changing Student’s placement in January of 2026 without Parent’s participation.

3. Substantially Likely to Result in Injury

Pursuant to 20 U.S.C. §1415(k) and 34 C.F.R. §300.530(g), the District could have changed Student's placement to an appropriate interim alternative educational setting for not more than forty-five (45) school days if the District determined that maintaining the current placement of Student was substantially likely to result in injury to District staff, Student or to others. However, the District did not argue that Student’s placement was changed temporarily because her behavior was substantially likely to result in injury to District staff, Student or to others. Further, it was undisputed that the District intended that Student’s change in placement to Rogers be permanent and not a 45-day temporary placement pursuant to 20 U.S.C. §1415 (k).

Order

Based on the testimony and documentary evidence, this Hearing Officer finds that Parent met her burden of proof in showing that the District changed Student’s placement without meeting the requirements of IDEA. Specifically, the District failed to follow procedures for Student’s removal, including the failure to hold a manifestation determination or IEP meeting compliant with

IDEA before removing Student from the District permanently and changing her placement to Rogers. 20 U.S.C. 1415(k)(2)(B) and 34 C.F.R. 300.532(b) establish the authority of a hearing officer to “order a change in placement” or “return a child with a disability to the placement from which the child was removed.” This Hearing Officer hereby orders that:

1. The District shall permit Student to return to the District as a residential Student as of the day following the date of this order.
2. The District shall hold a facilitated IEP meeting for Student at a mutually agreed upon time and place by all members of the IEP team including Parent and her attorney.

Finality of Order and Right to Appeal:

The decision of this Hearing Officer is final. A party aggrieved by this decision has the right to file a civil action in either Federal District Court or a State Court of competent jurisdiction, pursuant to the Individuals with Disabilities Education Act, within ninety (90) days after the date on which the Hearing Officer’s Decision is filed with the Arkansas Department of Education.

Pursuant to Section 10.01.36.5, Special Education and Related Services: Procedural Requirements and Program Standards, Arkansas Department of Education 2008, the Hearing Officer has no further jurisdiction over the parties to the hearing.

IT IS SO ORDERED.

/s/ Debby Linton Ferguson

HEARING OFFICER

2/24/2026

DATE