

ARKANSAS DEPARTMENT OF EDUCATION
SPECIAL EDUCATION UNIT

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

JARED HOGUE, PROGRAM ADMINISTRATOR,
DISPUTE RESOLUTION

January 18, 2018

The following allegations were addressed in complaint investigation reports and due process hearing decisions completed since the last Advisory Council Meeting on October 24, 2017. An issue that has been substantiated by facts as determined by a complaint investigation team or due process hearing officer is followed by (S). An issue in which one or more allegations were substantiated while other allegations were not will be marked as partially substantiated (PS). An issue that was not substantiated is followed by (NS). Rendered decision found to have no corrective action is followed by (No C/A).

Due Process Hearing Issues

H-17-27

Hearing Officer's decision had findings for both the parent and district.

H-18-04

Hearing Officer rendered a partially substantiated decision.

Complaint Investigation Issues

C-18-03

1. That the District failed to address communication needs by providing an adequate IEP that addresses the Student’s communication needs and a qualified American Sign Language interpreter meeting Arkansas standards (S)
2. That the District failed to consider assistive technology to assist the Student in their communication needs (S)

C-18-04

1. That the District failed to provide a free and appropriate public education by not implementing the Student’s Behavior Intervention Plan as written (NS)

OPEN HEARINGS
(13)

<u>Case#</u>	<u>School District</u>	<u>Status</u>
<u>2016</u>		
H-16-14	LRSD	(S) Pending Appeal
H-16-44	Lawrence Co. SD	Recent appeal unsuccessful (S) Pending Compliance
<u>2017</u>		
H-17-13	Bentonville SD	(S) Pending Appeal
H-17-19	Omaha SD	(S) Pending Compliance
H-17-27	Greene County Tech	(S) Pending Compliance
<u>2018</u>		
H-18-04	Searcy Co. SD	(S) Pending Compliance
H-18-08	Little Rock SD	Pending Hearing
H-18-10	Fayetteville SD	Pending Hearing
EH-18-11	Riverside SD	Pending Hearing
H-18-12	Jessieville SD	Pending Hearing
H-18-13	Riverside SD	Pending Hearing
EH-18-14	PCSSD	Pending Hearing

CLOSED HEARINGS

(6)

<u>Case#</u>	<u>School District</u>	<u>Status</u>
<u>2015</u>		
H-15-10	Paris SD	(S) Appeal complete; Student no longer enrolled
<u>2018</u>		
H-18-03	Bryant SD	Dismissed
H-18-05	DeWitt SD	Dismissed
H-18-06	Nevada SD	Dismissed
H-18-07	Harrison SD	Dismissed
EH-18-09	Riverside SD	Dismissed

OPEN COMPLAINTS

(0)

CLOSED COMPLAINTS

(8)

<u>Case #</u>	<u>School District</u>	<u>Status</u>
<u>2018</u>		
C-18-01	Fort Smith SD	(S) Closed/Met Compliance
C-18-02	Cabot SD	Withdrawn
C-18-03	Southside SD	(S) Closed/Met Compliance
C-18-04	Earle SD	(NS) Closed/No CA
C-18-05	PCSSD	Withdrawn
C-18-06	Bald Knob SD	Withdrawn
C-18-07	Rogers SD	Denied
C-18-08	Harrison SD	Withdrawn

The ADE-SEU Dispute Resolution Section invited a selection of stakeholders to participate in the Dispute Resolution Streamline Committee last summer. Stakeholders represented included parents, special education teachers, general education teachers, attorneys, a due process hearing officer, advocacy groups, and ADE-SEU staff. The final update and request for suggestions provided by the committee, along with the ADE-SEU’s plan of action, is provided in the table below.

**Arkansas Department of Education – Special Education Unit
Dispute Resolution Streamline Committee
* Final Update and Request for Suggestions ***

Issues identified:	Update/Plan of Action:
1. There are issues with keeping proper data, and interpretation of said data, on behavioral issues.	The ADE-SEU Special Education Supervisors’ Academy will be held in Hot Springs in two weeks (September, 2017). Among the breakout topics is a session related to behavioral issues within special education. Additionally, we have added this as a focus area for technical assistance to our Districts. We will keep the field updated via our monthly conference calls, emails, and other avenues in this area.
2. There is need for better support of students, parents, and schools in the area of Behavior Intervention Plans.	This issue will be addressed as part of our increased technical assistance mentioned above. (Additionally, a 4-part training series in this area has been, and is continuing, to be provided through the regional education cooperatives.)
3. There is need for a “point person” for parents to reach out to at the school or district.	This was addressed during the summer trainings offered at each educational cooperative, and other areas, this summer (20 trainings in all). We will continue to remind as often as possible.
4. An update/highlight segment on the monthly conference calls with special education supervisors in the area of dispute resolution would be helpful.	This will begin with the September, 2017 call.

<p>5. There is need for more clarity of the information on dispute resolution via the ADE website.</p>	<p>The ADE-SEU Dispute Resolution Section has already begun researching this to see what other states are doing in the way of short videos with information on different topics. The DRS is looking into:</p> <ul style="list-style-type: none"> • information for parents on rights at the appropriate level of understandability, • information for parents and schools on special education topics that often lead to the need for dispute resolution, and • information for parents and schools on mediation and facilitation. <p>Once the ADE-SEU has a clear idea of how this will look, production will begin. The benefit to parents, schools, and all other stakeholders could be tremendous.</p>
<p>6. The number of people that Districts bring to mediation needs to be fewer.</p>	<p>The ADE-SEU will work collaboratively with the Arkansas Special Education Mediation Project to look into this issue.</p>
<p>7. There are too many continuances within Due Process Hearings.</p>	<p>a. One of the state’s Hearing Officers suggested picking a workable date in advance to try and eliminate a continuance later. This has already proven successful and will continue to be encouraged practice.</p> <p>b. The ADE-SEU will be producing a Hearing Officer’s manual in the near future. This issue will be addressed in the manual, as well as in future communications and trainings with the Hearing Officers.</p>
<p>8. There should be more focus on the District’s opportunity to attempt to resolve state complaints via written proposal within the first ten days of a state complaint being filed.</p>	<p>This was addressed in summer training and has been encouraged in the most recent state complaint filings and has seen some success. This will continue to be standard practice, though any resolution that a District might offer is purely voluntary on its part.</p>