

**Division of Elementary and Secondary Education - Special Education Unit
Advisory Council for the Education of Children with Disabilities
Dispute Resolution, January 2021**

The following allegations were addressed in complaint investigation reports and due process hearing decisions completed in the previous quarter. 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 decisions found to have no corrective action is followed by (No C/A).

DUE PROCESS HEARING ISSUES

H-21-01

1. Failure to comply with provisions set forth in Part B of the Individuals with Disabilities Education Act (IDEA). Specifically, by failing to provide a free appropriate public education (FAPE) (S)

H-21-02/07 (combined)

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-21-06/09 (combined)

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)

COMPLAINT INVESTIGATION ISSUES

C-21-05

1. that the District failed to develop and implement an appropriate IEP by failing to provide accommodations listed in the IEP. (S)

C-21-06

1. that the District failed to develop and implement an IEP by failing to provide appropriate virtual instruction. (S)
2. that the District failed to develop and implement an IEP that included accommodations and modifications in all of the student's classes. (S)
3. that the district failed to develop and implement an IEP that included therapy services. (S)
4. that the district failed to develop and implement an IEP that included a Functional Behavior Assessment and a Behavior Intervention Plan. (S)
5. that the District failed to develop and implement a IEP, specifically by refusing to meet with the Parents to evaluate the appropriateness of the IEP. (S)

6. that the District failed to evaluate the Student by requiring the Parent to schedule private vision and hearing screenings prior to the evaluations at school being conducted. (S)
7. that the District failed to follow procedural requirements by not providing written notice of conference to the Parents and failing to schedule the conference at a mutually agreeable time. (S)
8. that the District failed to follow procedural requirements by failing to provide a copy of the completed IEP after the IEP meetings. (NS)
9. that the District failed to follow procedural requirements by failing to ensure parental participation by changing the IEP without a conference. (S)
10. that the District failed to report progress towards IEP goals. (S)

C-21-07

1. that the District failed to provide a Free and Appropriate Public Education by failing to provide remote instruction prior to receiving a hotspot. (NS)

C-21-08

1. that the District failed to develop and implement an appropriate IEP by failing to implement the IEP during school closure. (S)
2. that the District failed to develop and implement an appropriate IEP by failing to provide accommodations listed in the IEP. (S)

C-21-09

1. that the District failed to implement the IEP during school closure by not providing therapy services listed in the IEP. (S)
2. that the District failed to provide the accommodation listed in the IEP of having a one-to-one aide from the hours of 7:30 a.m. to 3:30 p.m. (S)

OPEN HEARINGS
(24)

<u>Case#</u>	<u>School District</u>	<u>Status</u>
<u>2016</u>		
H-16-14	LRSD	Pending Compliance
<u>2020</u>		
H-20-02	Monticello SD	Pending Compliance
H-20-09	Russellville SD	Pending Compliance
H-20-15	Atkins SD	Pending Compliance
H-20-22	Lakeside SD (Chicot)	Pending Compliance
H-20-28	Heber Springs SD	Pending Compliance
H-20-29	El Dorado SD	Pending Hearing
H-20-34	Russellville SD	Pending Hearing
H-20-35	Monticello SD	Pending Hearing

2021

H-21-01	Beebe SD	Pending Compliance
H-21-02	Mayflower SD	Pending Compliance
H-21-04	Cabot SD	Pending Hearing
H-21-05	Riverview SD	Pending Hearing
H-21-06	Atkins SD	Pending Compliance
H-21-07	Mayflower/Arch Ford	Pending Compliance
H-21-08	El Dorado SD	Pending Hearing
H-21-09	Atkins SD	Pending Compliance
H-21-11	Greenbrier SD	Pending Hearing
H-21-12	Greenwood SD	Pending Hearing
H-21-13	Atkins SD	Pending Hearing
H-21-15	Greenbrier SD	Pending Hearing
H-21-16	Lawrence Co SD	Pending Hearing
H-21-17	Lead Hill SD	Pending Hearing
H-21-18	Atkins SD	Pending Hearing

CLOSED HEARINGS**(5)**

<u>Case#</u>	<u>School District</u>	<u>Status</u>
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2020

H-20-19	E-STEM	Dismissed
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2021

H-21-03	Whitehall SD	Dismissed
H-21-04	Cabot SD	Dismissed
H-21-10	LISA Academy	Dismissed
H-21-14	Greenbrier SD	Dismissed

OPEN COMPLAINTS**(8)**

<u>Case#</u>	<u>School District</u>	<u>Status</u>
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2021

C-21-01	LISA Academy	Pending Compliance
C-21-05	NLRSD	Pending Compliance
C-21-06	KIPP Delta SD	Pending Compliance
C-21-08	Benton SD	Pending Compliance
C-21-09	Southside SD	Pending Compliance
C-21-10	Bentonville SD	Pending Investigation
C-21-11	Lawrence Co. SD	Pending Investigation
C-21-13	Nevada SD	Pending Investigation

CLOSED COMPLAINTS

(3)

<u>Case#</u>	<u>School District</u>	<u>Status</u>
<u>2020</u>		
C-20-15	Little Rock Preparatory	Met Compliance/Closed
<u>2021</u>		
C-21-07	Texarkana SD	No C/A, Closed
C-21-12	Conway SD	Withdrawn