

BEFORE THE MISSISSIPPI DEPARTMENT OF EDUCATION
SPECIAL EDUCATION CASE NO. D10142025-4
HEARING DECISION AND FINAL ORDER

I. PROCEDURAL HISTORY

This matter was filed by Complainant ("Petitioner"), [REDACTED], on behalf of [REDACTED] Student, against Cleveland School District ("Respondent") effective October 15, 2025 and was assigned to this Hearing Officer by the Mississippi Department of Education. The 30-day resolution period began on October 16, 2025 and ended on November 14, 2025. Mediation was convened in lieu of a resolution meeting on October 31, 2025. The 45-day timeline to conduct a due process hearing and issue a written opinion began on November 15, 2025 and ends on December 29, 2025. A closed hearing was convened via the Zoom platform on December 8, 2025.

II. BURDEN OF PROOF

The burden of proof in this matter is upon Petitioner as the party seeking relief. *Schaffer v. Weast*, 546 U.S. 49 (2005).

III. EXHIBITS AND TESTIMONY

Exhibits were submitted by Petitioner and Respondent and accepted by this Hearing Officer. These exhibits have been examined by this Hearing Officer subject to the issues heard at the due process hearing and in light of the testimony presented at said hearing. This Hearing Officer has examined the exhibits based upon the substantive nature contained therein for the purpose of making a decision in this matter. Exhibits shall be in the possession of the Mississippi Department of Education.

This decision is based on all testimony presented at the hearing as well as exhibits admitted into evidence during the hearing. Both parties were permitted to offer testimony by way of witnesses sworn under oath. The testimony has been recorded and the transcript will be delivered

to the Mississippi Department of Education. This Hearing Officer placed no weight on the fact that any particular testimony was offered by either party since the purpose was to provide all of the appropriate and admissible testimony. The witnesses were examined and the weight given to each was based upon the substantive nature contained therein for the purpose of making a decision in this matter.

IV. ISSUES PRESENTED

The Issues for the Due Process Hearing are as follows:

- A. Whether the Cleveland School District was required to have an IEP in place for the Student at the beginning of the 2025-2026 school year.
- B. Whether IEP documentation was falsified by the Cleveland School District.
- C. Whether the Cleveland School District failed to provide timely notice of IEP meetings.

All other issues presented in the Request for Due Process were dismissed without prejudice, as those issues were premature, non-justiciable, or requested relief that is outside the jurisdiction of this forum. Dismissal without prejudice allows the Petitioner the opportunity to file claims in the appropriate forum or file a new Request for Due Process with ripe, justiciable issues if Petitioner chooses to do so.

V. DISCUSSION OF THE ISSUES

- A. Whether the Cleveland School District was required to have an IEP in place for the Student at the beginning of the 2025-2026 school year.

The Student was enrolled in a residential facility beginning in October 2024 during the 2024-2025 school year and did not return to school in person during that school year; however, the Student remained enrolled in the District for the remainder of the school year. At the end of the 2024-2025 school year, the District did not develop an IEP for the Student for the upcoming

2025-2026 school year. The Student was enrolled in an accredited facility beginning June 2025. The Student did not enroll in the District before the beginning of the 2025-2026 school year, and the District did not develop an IEP for the Student in August 2025. The Student enrolled in the District in October 2025, and an IEP meeting was convened in October 2025 to begin development of an IEP for the Student.

The testimony reflects that the District has a practice, though not a policy, of developing an IEP for students who are enrolled in the District for the upcoming school year from March-May of the prior school year. However, the testimony also reflects that if extenuating circumstances exist, an IEP is not developed for the Student for the upcoming year during this time frame. The Regulations do not require that an IEP be developed for the upcoming school year by the end of the prior school year. The Regulations require that “[a]t the beginning of each school year, each public agency must have in effect, for each child with a disability within its jurisdiction, an IEP, as defined by § 300.320.” *See* 34 C.F.R. § 300.323(a); *Miss. Admin. Code* 7-3:74.19, State Board Policy Chapter 74, Rule 74.19, § 300.323(a).

The Student was not enrolled in the District at the beginning of the 2025-2026 school year. Accordingly, the Student was not within the jurisdiction of the District at that time. Thus, the District was not required to have an IEP for the Student in effect at the beginning of the 2025-2026 school year. There is no procedural violation that rises to a denial of a Free Appropriate Public Education. This issue is without merit.

B. Whether IEP documentation was falsified by the Cleveland School District.

The testimony and exhibits reflect that minutes from an IEP meeting contained errors and did not contain statements that Petitioner wished to be reflected. The testimony and exhibits reflect

that upon Petitioner's request, the District amended the minutes to reflect all of Petitioner's requested changes.

The Regulations provide the opportunity for a parent "who believes that information in the education records collected, maintained, or used under Part B of IDEA is inaccurate or misleading or violates the privacy or other rights of the child may request the participating agency that maintains the information to amend the information." *See* 34 C.F.R. § 300.618(a); *Miss. Admin. Code* 7-3:74.19, State Board Policy Chapter 74, Rule 74.19, § 300.618(a). The Regulations require that the District "must decide whether to amend the information in accordance with the request within a reasonable time period of receipt of the request." *See* 34 C.F.R. § 300.618(b); *Miss. Admin. Code* 7-3:74.19, State Board Policy Chapter 74, Rule 74.19, § 300.618(b). The Regulations further require that if the District "agrees to amend the information in accordance with the request, it must notify the parent within a reasonable time period when the amendment has been completed." *See* 34 C.F.R. § 300.618(d); *Miss. Admin. Code* 7-3:74.19, State Board Policy Chapter 74, Rule 74.19, § 300.618(d).

The testimony and exhibits reflect that each time Petitioner requested an amendment, the District obliged. No evidence was presented to demonstrate that the District did not oblige and provide the changes to Petitioner in any instance. The testimony and exhibits do not reflect intent to harm or that any prejudice to Petitioner occurred by any error on any document issued by the District. There is no procedural violation that rises to a denial of a Free Appropriate Public Education. This issue is without merit.

C. Whether the Cleveland School District failed to provide timely notice of IEP meetings.

The testimony reflects that the District has a practice, though not a policy, of attempting to provide at least seven days of notice to a parent before convening an IEP meeting. The Regulations

require “[n]otifying parents early enough of the meeting to ensure that they will have the opportunity to attend.” See 34 C.F.R. § 300.323(a)(1); *Miss. Admin. Code* 7-3:74.19, State Board Policy Chapter 74, Rule 74.19, § 300.322(a)(1). Accordingly, a specific number of days is not required by the Regulations for notice. The testimony and exhibits reflect that Notices were sent ranging from providing one day of prior notice to more than seven days of prior notice, along with emails providing more notice in some instances. On at least one occasion, Petitioner requested a change of date to provide more time to prepare for the meeting; the District obliged.

The testimony and exhibits do not demonstrate unreasonableness in the dates set for convening the IEP meetings. Upon request, the District changed at least one meeting date to accommodate Petitioner. No evidence was presented showing that the District was ever unwilling to accommodate Petitioner and therefore, per the Regulations, that any meeting date was unreasonable. There is no procedural violation that rises to a denial of a Free Appropriate Public Education. This issue is without merit.

D. SPECIFIC RULINGS AND CONCLUSIONS

- A. This Hearing Officer finds that, based upon the preponderance of the evidence, the School District did not violate the *Individuals with Disabilities Education Improvement Act of 2004*.
- B. This Hearing Officer finds that, based upon the preponderance of the evidence, no relief is warranted.


E. FINAL ORDER AND NOTICE OF APPEAL RIGHTS

This Hearing Decision constitutes a Final Order in this case. Any party dissatisfied with the decision may bring an appeal pursuant to 20 U.S.C. §1415(i)(2).

SO ORDERED this the 29th day of December, 2025.


AMANDA BRADLEY
HEARING OFFICER

cc:


Ms. Markeita Brinkley
Hon. Arnold Luciano
Hon. Nicholas McClain
Ms. Karen Edwards
Ms. Mona Spells Adou