



Arkansas Advisory Committee to the U.S. Commission on Civil Rights

IDEA Compliance and Implementation in Arkansas Schools

The Individuals with Disabilities Education Act (IDEA)¹ makes a “free and appropriate” public education available to children with disabilities in the United States, and ensures those children receive special education related services in the least restrictive environment possible.²

In May of 2021, the Arkansas Advisory Committee to the U.S. Commission on Civil Rights adopted a proposal to study IDEA implementation and compliance in Arkansas schools. The focus of the Committee’s inquiry was to examine the extent to which students with disabilities are receiving the services they are entitled to under relevant law, and how the achievement of students with disabilities compares to the achievement of their non-disabled peers. The Committee also considered whether and the extent to which the way students with disabilities receive educational services in Arkansas has resulted in disparities in both access and effectiveness based on race, color, sex, national origin, or religion.

The resulting report³ identified several ongoing concerns, including resource availability necessary for schools to meet their IDEA obligations; protecting core instruction time for students who receive support services; the sufficiency of behavioral support services for students with disabilities; the availability of accountability and grievance procedures for families with concerns; and potential disciplinary disparities for students with disabilities across demographics.

What does IDEA require of schools?

In a provision known as “Child Find,” IDEA requires schools to proactively seek out, identify, and provide free evaluations to students who may qualify for special education services.⁴ Once identified, students have a right

Key Points:

- Administrators and school districts may inadequately identify students with disabilities, or inadequately follow through with supportive services for qualifying students.
- Many schools lack sufficient funding to provide adequate supports; services offered to students may be based on available resources rather than student need.
- Generalized training available to teachers is not sufficient to meet the complex needs of students with multiple or intersecting disabilities.
- Available resources are often targeted to student learning needs and do not sufficiently address behavioral support needs.
- There are limited protections against disparities in disciplinary practices impacting students with disabilities; students of color who have disabilities are at particularly high risk.

to a free, appropriate public education in the least restrictive environment.⁵ While schools ultimately have the responsibility to seek out and identify qualifying students, parents also have the right to have their children evaluated, at the district’s expense, if they believe their child may have a disability and be in need of services.⁶

What challenges are schools facing in meeting their obligations under IDEA?

Teachers may not have sufficient training and support to address complex, intersecting student needs.⁷ Limited teacher training and high teacher turnover is particularly problematic in high-poverty school districts, where many teachers are leaving the profession due to the strain.⁸ Meeting individual student needs for special education and

¹ Individuals With Disabilities Education Act, 20 U.S.C. § 1400 (2004).

² Ed.gov, About IDEA. At: <https://sites.ed.gov/idea/about-idea/>.

³ Report available at: https://www.usccr.gov/files/2023-01/2023_idea-compliance-and-implementation-in-ar.pdf

⁴ 34C.F.R. § 300.111; see also U.S. Department of Education, Child Find: <https://sites.ed.gov/idea/regs/b/b/300.111>. See

also Committee report discussion, Finding 1.

⁵ Brady Testimony, Transcript 1, p. 2 line 34 – p. 3 line 22.

⁶ See Committee report discussion, Finding 2.

⁷ See Committee report discussion, Finding 2.

⁸ See Committee report discussion, Finding 2.

support services often consumes more resources than schools have available, particularly in under-resourced districts. As a result, schools may offer services based on available resources rather than student need.⁹ Schools may also be forced to divert resources from other parts of their budget to provide required special education services.

Statewide professional training resources, as well as expanding utilization of qualified Medicaid services, could help to maximize available resources.

What challenges do students and families face in obtaining appropriate educational services?

Individualized Education Plans (IEPs) are central to providing services for students with disabilities. Yet these plans must be appropriately designed, regularly updated, and include specific, measurable goals to serve their effective purpose. In this study, families and advocates identified challenges with IEPs not being updated regularly, or being overly focused on student learning needs without addressing associated behavioral support needs.¹⁰

The Committee also heard concern that support services are frequently delivered during core instruction time, reducing the amount of math and reading instruction afforded to students with special needs.¹¹ In addition to falling behind in core instruction, these students may also then become confused and bored, increasing risk for behavioral problems.¹²

When such challenges arise, parents or even students themselves are often left with the burden of advocating for changes, as few supports are available in the grievance process.¹³

What do IEPs have to do with race and disciplinary disparities?

Failure to identify children with special needs, especially the failure to address associated behavioral support needs, often results in excessive suspensions or expulsions,

seclusions, restraints, or even the use of judicial or police involvement to address problem behaviors.¹⁴ These disciplinary actions funnel children into inadequate juvenile detention centers and the criminal justice system.¹⁵ Data suggest that students of color and/or students of low socioeconomic status with disabilities are at especially high risk for experiencing excessive academic discipline or use of judicial or police involvement in place of receiving interventions to support behavioral health needs.¹⁶

Recommendations (*selected*)

The Arkansas Legislature should consider legislation to:

- (1) Ensure that students are never removed from English Language Arts or Math instruction to receive special education services.
- (2) Ensure that only highly skilled and trained staff provide academic support to struggling students rather than having paraprofessionals fill this role.
- (3) Expanding social, emotional, and behavioral supports in schools with a focus on prevention.

The Arkansas Division of Elementary and Secondary Education should:

- (1) Increase parent surveys to measure parents' evaluation of special education services in Arkansas, in order to identify both strengths and ongoing challenges.
- (2) Implement administrative reforms to student IEP language to ensure that special education services do not interfere with core instruction in reading or math.
- (3) Implement administrative reforms to student IEP language to ensure that supportive services are provided by content experts (in reading and math).

⁹ See Committee report discussion, Finding 2.

¹⁰ See Committee report discussion, Findings 4&5.

¹¹ See Committee report discussion, Finding 4, pp. 17-18.

¹² See Committee report discussion, Finding 4, pp. 17-18.

¹³ See Committee report discussion, Finding 6.

¹⁴ See Committee report discussion, Finding 7.

¹⁵ See Committee report discussion, Finding 7.

¹⁶ See Committee report discussion, Finding 7.

The United States Commission on Civil Rights maintains 56 Advisory Committees, one for each state and territory, and the District of Columbia. Each committee is composed of citizen volunteers familiar with local and state civil rights issues. The members assist the Commission with its factfinding, investigative, and information dissemination functions.

This policy brief is the work of the Arkansas Advisory Committee to the U.S. Commission on Civil Rights. The brief may rely on testimony, studies, and data generated from third parties. Advisory reports are reviewed by Commission staff only for legal sufficiency and procedural compliance with Commission policies. The views, findings, and recommendations expressed in this report are those of a majority of the Arkansas Advisory Committee, and do not necessarily represent the views of the Commission, nor do they represent the policies of the U.S. Government. For more information, please contact Melissa Wojnaroski at mwojnaroski@uscrr.gov or 202-618-4158.