

2016

Legislative Task
Force on the Best
Practices for
Special Education
DRAFT Preliminary
Report

February 2016



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INTRODUCTION

Act 1485 of 2015 created the Legislative Task Force on the Best Practices for Special Education. The Act calls for 22 members representing the following entities:

- The Governor's office
- The General Assembly
- Arkansas Advocates for Children and Families
- Arkansas Association of Educational Administrators;
- Arkansas Education Association who is a teacher specializing in special education;
- Arkansas Public Policy Panel;
- Arkansas School Boards Association;
- Department of Education;
- Disability Rights Association;
- Arkansas Association of Special Education Administrators;
- A charter school origination or support group for charter schools;
- An institution of higher education who works in a teacher preparation program specializing in special education;
- Special education teachers
- Parents of special education students
- Special education students

The following individuals were named to the Task Force:

1. Senator Uvalde Lindsey
2. Representative Tim Lemons
3. Senator Blake Johnson
4. Representative Sheilla E. Lampkin
5. Ms. Carla Brainard
6. Ms. Jessica Dewitt
7. Ms. Lisa Haley
8. Ms. Barbara Hunter Cox
9. Ms. Renee Johnson
10. Ms. Sarah Moore
11. Ms. Bailey Perkins
12. Ms. Debra Poulin
13. Ms. Shirley Ann Renix
14. Ms. Lisa Tisdale-Parker
15. Ms. Tina Vineyard
16. Ms. Cindy Marie Weathers
17. Ms. Angela Winfield
18. Mr. Samuel Young
19. Dr. Anne Butcher
20. Dr. Greg Murry
21. Dr. Bruce Smith
22. The 22nd member has not been appointed.

During the Task Force's first meeting, the members elected Senator Lindsey to serve as chair and Representative Lemons to serve as vice chair.

Act 1485 requires the task force to perform the following functions:

- (A) Review the current practice for identifying students for special education services and programs in public schools in Arkansas and other states;
- (B) Compare outcomes of students participating in special education services in programs in Arkansas with those in other states;
- (C) Review the requirements for teacher preparation and licensure of special education teachers in Arkansas and other states;
- (D) Review the requirements for professional development: related to special education, including anticipated changes to professional development in Arkansas and other states;
- (E) Review support staff and staffing ratios for special education services and programs, including nurses, teacher aides, and personal student aids;
- (F) Review discipline practices for students in special education programs in Arkansas and other states;
- (G) Review Response to Intervention (RTI) practices in Arkansas, including identifying RTI programs in public schools that are successful and can be identified as best practices;
- (H) Review the current practice for screening students for learning disabilities and the services provided for students with learning disabilities;
- (I) Review the availability of support services for special education programs, students, and families, including without limitation behavioral health services and social services with an effort made to identify best practices;
- (J) Review the practices of school districts regarding self-contained classrooms, inclusion programs, and resource rooms, including model policies and programs in Arkansas and other states;
- (K) Review the use of outside services and organizations by school districts that provide the best level of support for students receiving special education services or participating in special education programs;
- (L) Review the facilities, equipment, and materials available in school districts for special education services and programs;
- (M) Compare the amount of academic instruction with the training time for independent function and career development;
- (N) Review special education services and programs currently in Arkansas public charter schools and public charter schools outside of Arkansas;
- (O) Identify exemplary school district special education programs in Arkansas and other states; and
- (P) Review the research and findings of national organizations that support students receiving special education services or students participating in special education programs.

For each item above, the task force shall consider the separate strengths and challenges for children who:

- (A) Are developmentally delayed;
- (B) Have severe behavioral challenges; or
- (C) Have severe physical disabilities.

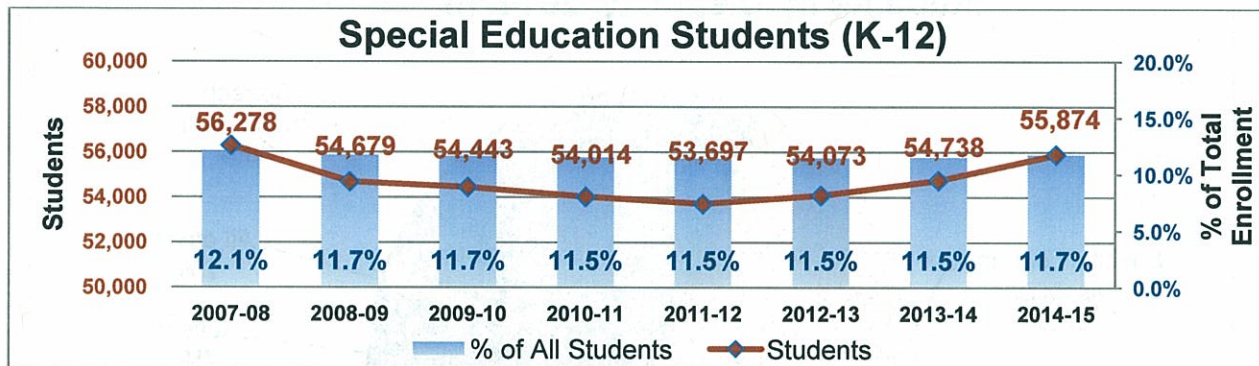
The Act also requires the Task Force to review the financial support provided for special education services and programs, including whether or not the financial support provided is adequate to meet the needs of the students in special education programs or receiving special education services. The study must also include a review of the financial practices of school districts in Arkansas for the support of special education services and programs.

Act 1485 requires the Task Force to prepare a preliminary report by February 1, 2016, and a final report by September 1, 2016. This document serves as the Task Force's preliminary report documenting the material the group reviewed during the first six meetings between August 2015 and January 2016. Each section of the report corresponds with a required area of study listed in Act 1485.

SPECIAL EDUCATION IN ARKANSAS: BY THE NUMBERS

STUDENT COUNT

There were 55,874 special education K-12th grade students in Arkansas public schools in the 2014-15 school year (not including students in the Division of Youth Services, the Department of Correction or the Conway Human Development Center), making up 11.7% of the total student enrollment in the state¹. The statewide proportion of students with disabilities has remained fairly stable — between 11% and 12% of all students over the last six years. However, individual districts' (not including charter schools) proportion of students with disabilities varies considerably from 6.8% (Springhill School District) in 2014-15 to 20.7% (Fordyce School District). Most of the students with disabilities in Fordyce are in a residential facility located in the district). Charter schools typically have lower percentages of students with disabilities than traditional school districts. Six charter schools have the lowest proportions of students with disabilities of all districts and charter schools, while only three charter schools have higher proportions than the state average.



Source: Arkansas Department of Education, Annual December 1 Child Count and Annual Oct. 1 Enrollment Data. Data does not include Conway Human Development Center, the Division of Youth Services or the Arkansas Department of Correction.

A comparison of state student counts with the national average is only possible using federally collected data, which counts students with disabilities and the total student enrollment slightly differently from the calculation in the chart above. According to data reported by the Arkansas Department of Education (ADE) to the U.S. Department of Education (U.S. DOE), students with disabilities comprised 12.2% of the total student body among children ages 6 through 21 in 2012-13, compared with the national average of 13%.²

TYPES OF DISABILITIES

In Arkansas, there are 12 categories of disabilities used to determine students' eligibility for special education:

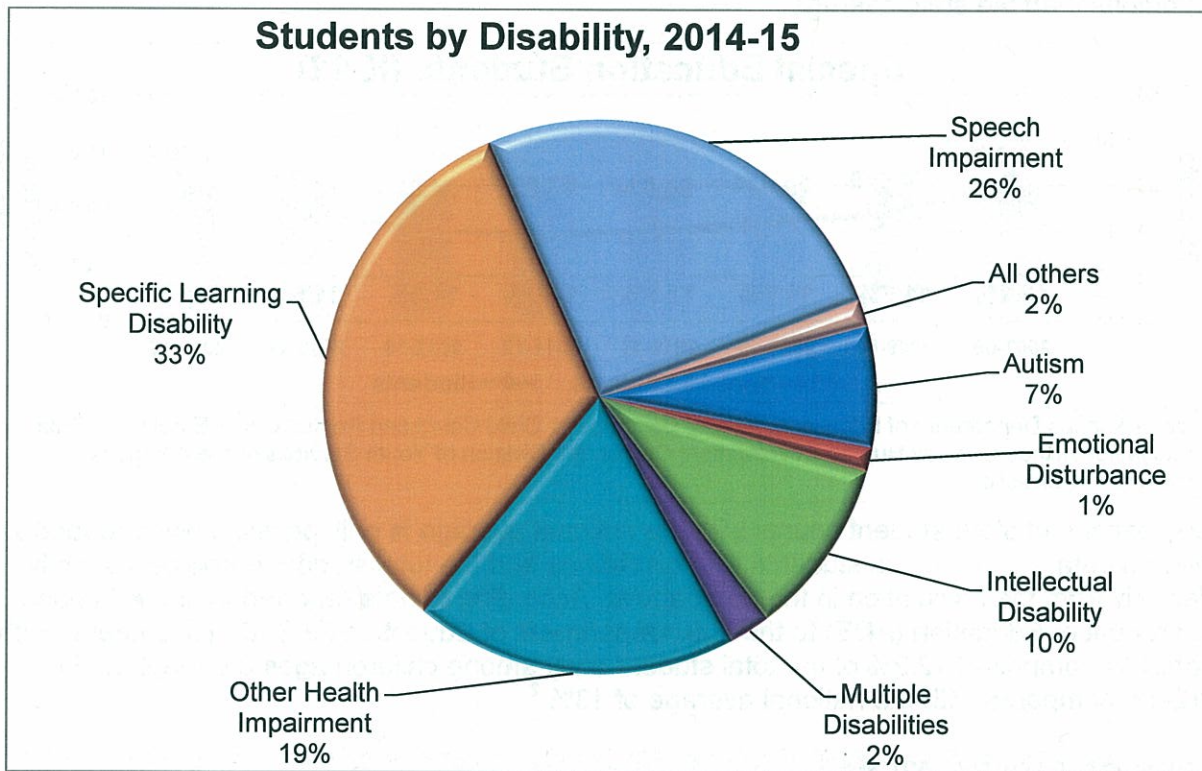
| | |
|--|--------------------------------|
| • Autism | • Deaf-blindness |
| • Hearing impairment, including deafness | • Emotional disturbance |
| • Intellectual disability (formerly known as mental retardation) | • Multiple disabilities |
| • Orthopedic impairment | • Specific learning disability |
| • Speech or language impairment | • Traumatic brain injury |
| • Visual impairment, including blindness | • Other health impairment |

¹ Calculation made using data retrieved from <https://adedata.arkansas.gov/statewide/Districts/EnrollmentCount.aspx?year=25&search=&pagesize=10> and

² U.S. Department of Education, Office of Special Education Programs, Part B Data Display: Arkansas, Publication Year 2015, Retrieved at <https://osep.grads360.org/#communities/pdc/documents/8086>

The “other health impairment” category includes chronic or acute health problems that result in limited strength, vitality or alertness that adversely affects a child’s educational performance. These health problems include asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, Tourette’s Syndrome and sickle cell anemia.³ The 12 disabilities that qualify for special education mirror the 13 disabilities named in the IDEA, except that Arkansas combines hearing impairment and deafness into one category.

The following chart and table provide a breakdown of the types of disabilities affecting Arkansas students with disabilities. Specific learning disabilities — which include perceptual disabilities, brain injury, minimal brain dysfunction and dyslexia⁴ — are the most prevalent impairments among special education students, affecting about 33% of the state’s students with disabilities, or 3.8% of all students.⁵ Speech impairments are the second most common disability, affecting 26% of students with disabilities, or 3.0% of all students.



Source: Arkansas Department of Education

Some of the increase in the number of students with disabilities over the last several years is due to an increase in students with autism. In 2011, there were 2,733 students with autism and by 2015, that number had grown to 3,944, a 44% increase. The number of students in the “other health impairment” category also increased significantly from 8,494 in 2011 to 10,522 in 2015, a 24% increase.

³ Arkansas Department of Education, Special Education and Related Services 6.00 Evaluation-Eligibility Criteria, 6.09.8

⁴ <http://nichcy.org/disability/categories#ld>

⁵ Calculation made using Dec. 1, 2012, Arkansas special education child count data (excluding the counts of the Conway Human Development Center, the Division of Youth Services, and the Arkansas Department of Correction) provided by the Arkansas Department of Education and enrollment data for the 2012-13 school year, <https://adedata.arkansas.gov/statewide/Districts/EnrollmentCount.aspx>

For a national comparison, 2012-13 is the most recent year for which data is available. The following table shows the percentage of students with disabilities for each of the 12 categories of impairments. Values in **red** indicate that the state's percentage is **lower than the nation's**, while values in **blue** indicate the state's percentage is **higher than the nation's**. The table also shows students in each disability category as a percentage of total enrollment.

| 2012-13 Disability | % of Students with Disabilities | | % of All Students | |
|--------------------------------|---------------------------------|-------------|-------------------|--------|
| | State | Nation | State | Nation |
| Autism | 6.6% | 8.4% | 0.81% | 1.06% |
| Deaf-Blindness | 0.0% | 0.0% | 0.00% | 0.00% |
| Emotional Disturbance | 1.4% | 6.2% | 0.17% | 0.78% |
| Hearing Impaired | 0.8% | 1.2% | 0.10% | 0.15% |
| Multiple Disabilities | 2.6% | 2.2% | 0.31% | 0.28% |
| Intellectual Disabilities | 10.6% | 7.3% | 1.29% | 0.93% |
| Orthopedic Impairment | 0.3% | 0.9% | 0.04% | 0.11% |
| Speech Impairment | 24.0% | 18.3% | 2.93% | 2.32% |
| Specific Learning Disabilities | 34.3% | 40.4% | 4.19% | 5.13% |
| Traumatic Brain Injury | 0.3% | 0.4% | 0.04% | 0.06% |
| Vision Impairment | 0.4% | 0.4% | 0.04% | 0.06% |
| Other Health Impaired | 18.6% | 14.2% | 2.27% | 1.80% |
| Total | 100% | 100% | | |

Source: Part B Data Display: Arkansas Publication Year 2015, <https://osep.grads360.org/#communities/pdc/documents/8086>

CURRENT PRACTICES OF IDENTIFYING STUDENTS WITH DISABILITIES

Task Force Responsibility: Review the current practice for identifying students for special education services and programs in public schools in Arkansas and other states.

What is considered a disability has a broad definition and is defined differently by different statutes. Disability includes both physical and mental impairments. The education priority for students with disabilities is that they will have access to appropriate accommodations and special education and to education in the least restrictive environment.

IDENTIFYING STUDENTS WITH DISABILITIES

The Individuals with Disabilities Education Act (IDEA) requires that:

- The state has policies and procedures in place to ensure ALL children with disabilities are identified, located, and evaluated, regardless of severity of their disability.
- The state's plan includes identification of homeless children, wards of the state and those attending private school.
- The state includes children suspected of being a child with a disability in the evaluation/identification process, even if the child is advancing from grade to grade.

Each local educational agency must develop and maintain a written child find plan, which also must document the annual child find activities.

The education objectives for students with disabilities under federal law include the following:

1. Students with disabilities will be promptly evaluated and identified as students with disabilities eligible for protection/services under Section 504 and the IDEA and have appropriate educational programs developed.
2. Students with disabilities, including those at risk of commitment to THE DIVISION OF YOUTH SERVICES (DYS), will have access to appropriate accommodations, positive behavior supports, and individualized education programs as needed to protect them from restraint and seclusion, exclusion from school, and abuse and/or neglect in school.
3. Students with disabilities will have access to appropriate transition planning and services and will understand their transition rights.

Under federal law and state rules, a school or a child's parent may request an initial evaluation of a student to determine if the child has a disability that requires special education services. Schools must conduct the evaluation within 60 days of receiving parental consent. The evaluation must consist of procedures:

- 1.) To determine if the child has a disability under IDEA and
- 2.) To determine the educational needs of the child.

As part of a student's initial evaluation, a district's IEP team must review the student's existing evaluation data, determine what additional data is needed and conduct the review. Within 30 days of the evaluation, an evaluation/programming conference must be conducted, a group of qualified professionals and the child's parent must decide if the student has a disability as defined in federal regulations and the school must provide a copy of the evaluation to the parents. If the child is determined to have a disability, an individualized education program (IEP) must be developed describing the educational services that must be provided.

In FY2015, Disability Rights Arkansas, a private, non-profit organization designated by the Governor to implement the federally funded protection and advocacy system throughout the state, had 121 cases involving evaluation/identification issues in FY2015.

The issues DRA addressed focused on the following:

- Students eligible under the category of Serious Emotional Disturbance being under-identified. Many students with SED present with difficult or challenging behaviors. They may experience an increase in disciplinary action due to a lack of or inadequate programming. Yet they may continue to progress from grade to grade and/or are academically strong.
- Reluctance by districts to identify students.
- Use of Response to Intervention (RTI) for prolonged periods of time. (See [page ##](#) for more information on RTI.)
- Inappropriate use of Alternative Learning Environments. ALE may be presented to parents as a structured environment that can better meet a child's needs than placement within the regular school setting. Students are often sent into ALEs without ever being identified or provided with special education and related services. Some districts are not completing the required assessments, interventions, or plans prior to or upon placement within the ALE.

STUDENT OUTCOMES IN ARKANSAS AND OTHER STATES

Task Force Responsibility: Compare outcomes of students participating in special education services in programs in Arkansas with those in other states.

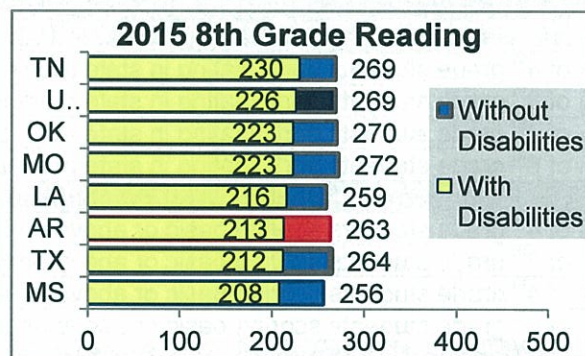
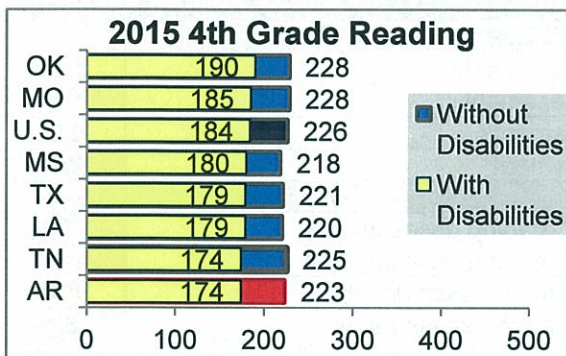
NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

Because each state assesses students using its own test, it is difficult to accurately compare student proficiency from one state to another in the same way that the state compares one school's or one district's student performance with another. The best way to compare the student achievement of students with disabilities in Arkansas with those in other states is with the National Assessment of Educational Progress (NAEP) scale scores.

However, caution must be used in making state-to-state NAEP comparisons. The NAEP scores are based on a random sample of students — not the entire state population of students — in each state. Therefore, these scores are estimates with sampling errors, which means that if the entire population had been tested, the score may have differed somewhat. It's also possible that states may apply federal guidelines a little differently in classifying children with disabilities.

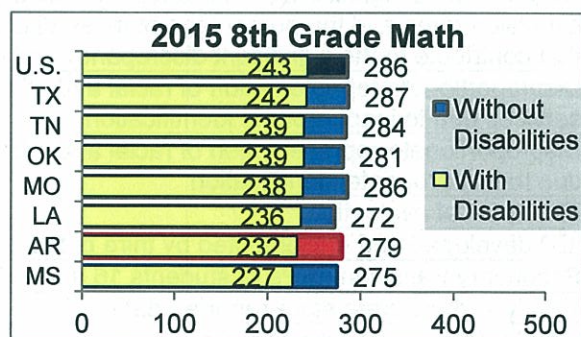
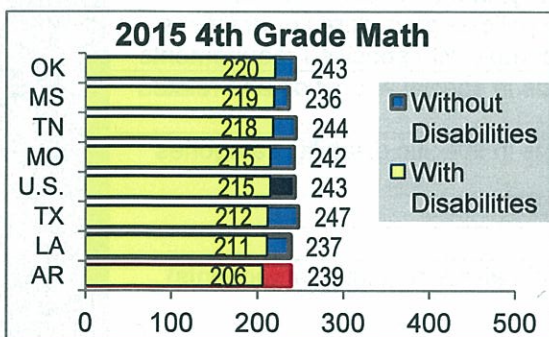
Finally, NAEP is still working to achieve uniformity in the way states exclude some students with disabilities from the test taking process and the way they make accommodations for other students. The lack of uniformity has narrowed over the past five years. However, it's still an issue that NAEP officials address in national conferences. There does not appear to be a consensus on how much lack of uniformity exists.

Considering those cautionary notes, the following tables show how the average scale score for Arkansas's students with disabilities (excluding those with 504 plans) compares with the average scale scores in surrounding states and nationally.



Arkansas's students with disabilities scored below similar students in surrounding states. Arkansas's 4th grade students scored below 4th grade students with disabilities in all other surrounding states in both reading (tying with Tennessee) and math. Arkansas's 8th grade students with disabilities fared somewhat better. They outperformed two surrounding states in reading and one state in math.

Arkansas's 4th graders had the lowest NAEP scale scores among surrounding states, while Arkansas's 8th grade students with disabilities had nearly the lowest scores in reading and math.



STATE ASSESSMENT UNDER IDEA

Each year the U.S. Department of Education assesses whether each state meets the requirements of Part B of the federal Individuals with Disabilities Education Act. In 2013, Arkansas was one of 38 states considered to have met the requirements of IDEA Part B on the basis of specified compliance measures (e.g., students were evaluated in a timely manner, etc.). However, in June 2014, the U.S. DOE announced a significant change in the methodology it uses for evaluating states' special education programs. The new methodology focuses less on "procedural requirements" and more on student achievement results. In 2014, just 15 states received a "meets requirements" assessment, compared with 38 a year earlier. In 2015, 19 states received a "meets requirements" rating, but Arkansas was not among them.

Under the new methodology, Arkansas's overall score was "needs assistance" in both 2014 and 2015. This lower score was the result of low "results-driven" scores based on student achievement measures, rather than "compliance" scores. In 2015, the state received 20 of 20 possible points on compliance indicators and just 11 of 24 available points on results indicators.

In 2015, two of the states surrounding Arkansas received an overall score of "meets requirements": Missouri and Oklahoma. Three surrounding states—Louisiana, Mississippi, and Tennessee—are considered "needs assistance" states. And Texas is considered a "needs intervention" state.

The tables below provide the indicators on which Arkansas's performance was measured. The state received two points for each indicator colored green, one point for each indicator in yellow and zero points for each indicator in red.

| Indicator for Results-Driven Score | 2015 Assessment |
|--|-----------------|
| State Assessment Participation (Students With Disabilities) | |
| % of 4 th grade students participating in state reading assessments | 82% |
| % of 8 th grade students participating in state reading assessment | 80% |
| % of 4 th grade students participating in state math assessments | 82% |
| % of 8 th grade students participating in state math assessment | 80% |
| NAEP Performance (Students With Disabilities) | |
| % of 4 th grade students scoring basic or above on NAEP reading assessments | 23% |
| % of 8 th grade students scoring basic or above on NAEP reading assessments | 20% |
| % of 4 th grade students scoring basic or above on NAEP math assessments | 53% |
| % of 8 th grade students scoring basic or above on NAEP math assessments | 22% |
| NAEP Participation (Students With Disabilities) | |
| % of 4 th grade students participating in NAEP reading assessments | 92% |
| % of 8 th grade students participating in NAEP reading assessment | 83% |
| % of 4 th grade students participating in NAEP math assessments | 90% |
| % of 8 th grade students participating in NAEP math assessment | 84% |
| Graduation and Drop Out Rates (Students With Disabilities) | |
| % of students who dropped out | 13% |
| % of students who graduated with a regular high school diploma | 85% |

| Indicator for Compliance Score | 2015 Assessment |
|---|-----------------|
| Districts with a significant discrepancy, by race and ethnicity, in the suspension and expulsion rates and the percentage of those districts with policies procedures or practices that contribute to the significant discrepancy and do not comply with specified requirements | 0% |
| Disproportionate representation of racial and ethnic groups in special education and related services due to inappropriate identification | 0% |
| Disproportionate representation of racial and ethnic groups in specific disability categories due to inappropriate identification | 0% |
| Timely initial evaluation | 99.62% |
| IEP developed and implemented by third birthday | 99.86% |
| Secondary transition (IEPs of students 16 and older contain all the required components) | 98.58% |
| Timely and accurate state-reported data | 100% |
| Timely state complaint decisions | 100% |
| Timely due process hearing decisions | 100% |
| Longstanding noncompliance | |

STATE SYSTEMIC IMPROVEMENT PLAN (SSIP)

To address the state's shortcomings identified by the federal assessment, ADE has developed a comprehensive, multi-year plan to:

- 1.) Improve results for children with disabilities and
- 2.) Support improvement and build the capacity of school districts to implement, scale up and sustain evidence-based practices.

Phase I of the plan, which occurred in federal fiscal year 2013, focused on data and infrastructure analysis to guide selection of coherent improvement strategies that will increase the state's capacity to lead meaningful change with school districts to improve results for all children. This plan is to be delivered to the U.S. Department of Education by April 2016.

The Office of Special Education and Rehabilitation Services of the U.S. Department of Education provided feedback to ADE on its Phase I SSIP submission. Federal officials suggested that the state's emphasis should be on:

- Instructional practices, including how teachers instruct;
- Materials or content of instruction;
- Child variables, including individualized and differentiated instruction, and
- Time or scheduling considerations

The federal officials also indicated that the state has a need for professional development and technical assistance related to providing effective, individualized, and differentiated instruction.

Phase II, which occurred in federal fiscal year 2014, was a planning phase. During Phase II, the department developed a multi-year plan addressing the following three areas:

- Infrastructure development
- Strategies for supporting school districts in implementing evidence-based practices
- An evaluation plan

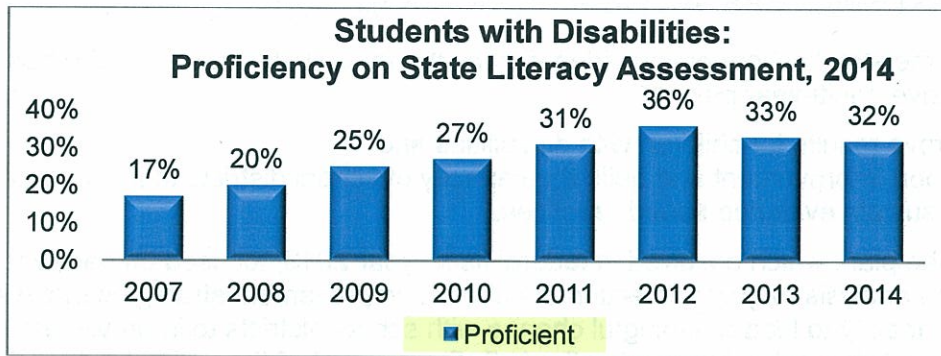
Phase II of the SSIP will focus on building state-level capacity through the alignment and coordination of efforts/systems to support school districts' capacity to implement evidence-based systems and practices. The plan's infrastructure strategies will focus on:

1. Redesigning a tiered state monitoring system that includes a focus on results with an emphasis on literacy
2. Creating a special education professional development and technical assistance system that aligns with other ADE units and is differentiated by school district needs.

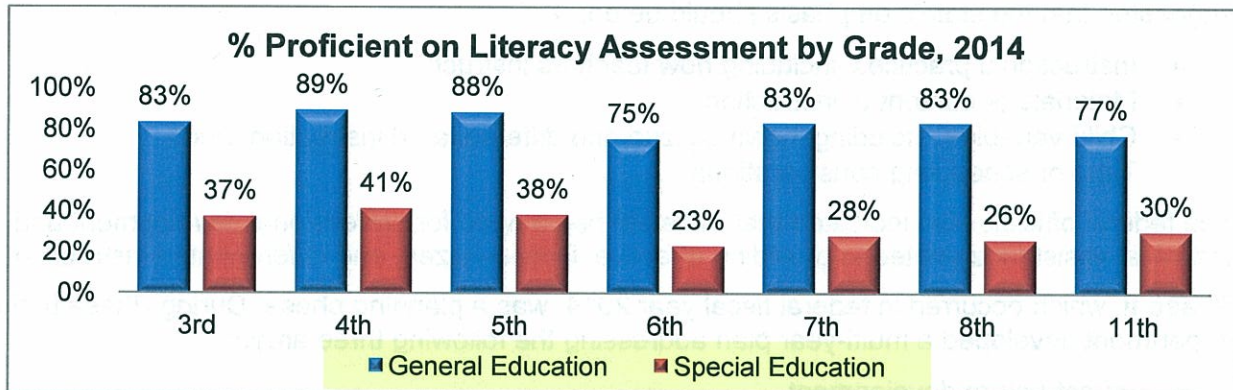
Phase III, which spans federal fiscal year 2015 through 2018, focuses on evaluating the state's progress under its plan. During this phase, the state will report on the progress made and will make any necessary revisions to the plan. The state's progress reporting will provide information on:

- The results of ongoing evaluation and
- The extent of the progress made.

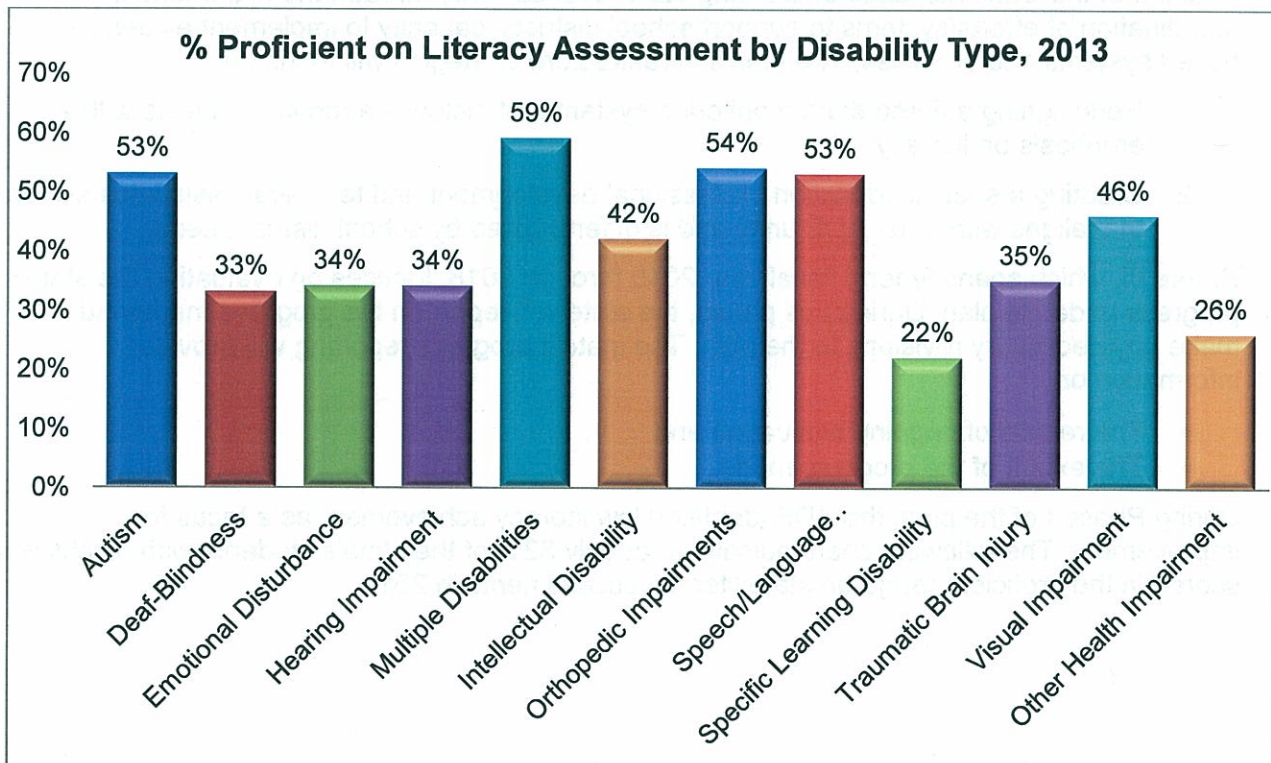
During Phase I of the plan, the ADE identified low literacy achievement as a focus for improvement. The following chart indicates that only 32% of the state's students with disabilities scored in the proficient range on state literacy assessments in 2014.



The following chart shows that student achievement drops precipitously in 6th grade and remains low through the middle school and high school years.



The next chart shows the level of proficiency on state literacy assessments by the type of disability students have. Proficiency levels are lowest among students with a specific learning disability, and they are highest among students with multiple disabilities.



SPECIAL EDUCATION TEACHER PREPARATION AND LICENSURE

Task Force Responsibility: Review the requirements for teacher preparation and licensure of special education teachers in Arkansas and other states.

According to figures compiled by ADE, there are currently 7,235 people who are licensed to teach special education, although not all of those individuals are actually teaching special education. In 2014-15, there were more than 3,500 full-time employee (FTEs) working as special education teachers in Arkansas school districts. On average, districts employ 1 special education teacher for every 15.6 students with disabilities. However this ratio ranged from one teacher per 10.6 students in one district to one teacher for every 55 students in another district. On average, special education teachers earned \$49,296 in annual salary in 2014-15.

One issue districts have faced in providing special education is an inadequate supply of appropriately licensed special education teachers who want to teach in the field. A district that cannot find an appropriately licensed teacher must apply to ADE for a waiver from the licensing requirements. Currently 138 districts and charter schools have requested waivers for 295 special, education teachers who are not fully licensed to teach special education. Among all of the district and charter school requests for waivers, 38% are for special education teachers.

In an effort to increase the number of people who are certified to teach special education and to reduce the number of waivers districts need, ADE recently changed the special education licensure making it easier to get certified. Until 2014, ADE regulations required individuals who wanted to teach special education to get an initial license and then add a special education endorsement to their license. This meant that in addition to the undergraduate degree required for their initial teaching license, they also must take an additional 21 credit hours of a master's level special education program for the endorsement. There was concern that many aspiring teachers chose not to get special education certification because it required additional training but offered no increase in salary.

However, ADE has changed some of its licensure rules to make it easier and faster for teachers to become certified in special education.

1. ADE created a new **K-12 initial license** for special education, allowing teachers to get their standard license in special education. This change allows them to teach special education after obtaining their bachelor's degree without having to add an endorsement to their license. However, this license would not qualify a teacher to be "highly qualified" under the federal No Child Left Behind Act. Without that designation, teachers with this certification cannot be considered the teacher of record for core subject classes (English language arts, math, science foreign languages, civics, economics, arts, history, and geography). Arkansas universities launched preparation programs for the K-12 special education license in the fall of 2014. Today six Arkansas higher education institutions offer a bachelor's degree in K-12 special education.
2. ADE created a **K-12 special education resource endorsement** option. This is an expedited special education endorsement for individuals who are already licensed to teach elementary grades (K-6) or English, math, or science (4-8 or 7-12). Previously, teachers who wanted to add a special education endorsement were required to complete at least 21 hours of graduate-level coursework in special education. The new expedited resource endorsement, which received final approval in late October, requires teachers to complete just 12 credit hours of additional coursework. Three of those hours must be obtained through an expedited course called "SPED 101 Academy," which will be developed by ADE, higher education institutions and other special education stakeholders. Applicants who completed a special education survey course as part of their undergraduate degree can count up to three credits toward the 12 required for this endorsement. Teachers with this certification will be limited to teaching special education in a resource room setting.

-
3. ADE created a route to credential special education teachers through a **Masters of Arts in Teaching (MAT) program**. This avenue allows people who are not certified teachers to obtain a master's degree in teaching to become certified. Previously this option was not available to individuals who wanted to teach special education. This certification is pending final approval of ADE's Policies Governing Educator Preparation Program Approval.

PROFESSIONAL DEVELOPMENT

Task Force Responsibility: Review the requirements for professional development related to special education, including anticipated changes to professional development in Arkansas and other states.

In August 2015, ADE received a \$5 million five-year grant that will be used to:

- Develop RTI literacy and behavior resources and tools
- Provide professional development and technical assistance for districts and schools to assist all students, especially students with disabilities
- Evaluate implementation fidelity and outcomes at the state, regional, district, school, and student level

Through the grant, the state will also partner with:

- The American Institutes for Research to support RTI resource development
- Arkansas State University's Center for Community Engagement to implement a statewide multi-tiered system of support for behavior
- The Parent Teacher and Information Center to provide parents with an understanding of RTI and their role in supporting their child

SUPPORT STAFF

Task Force Responsibility: Review support staff and staffing ratios for special education services and programs, including nurses, teacher aides, and personal student aides.

DISCIPLINE PRACTICES

Task Force Responsibility: Review discipline practices for students in special education programs in Arkansas and other states.

MANIFESTATION DETERMINATION REVIEW

If a school district proposes to change the placement of a child for more than 10 days (including suspensions), the district must conduct a Manifestation Determination Review (MDR). An MDR is designed to determine if the student's behavior is a manifestation of her disability or a failure of the district to implement the IEP. The IEP Team makes this determination. If the determination is that the disability is a manifestation of his/her disability, the student should remain in his/her current placement.

The disciplinary practices that Disability Rights Arkansas addresses in the state include:

- Failure by districts to conduct MDRs
- Reliance on corporal punishment
- Improper use of restraint/seclusion
- Failure to implement IEPs and behavior support plans properly
- Reliance by districts on contracted mental health providers
- Placement of students with disabilities in ALEs. Use of Family in Need of Services (FINS) by schools to remove students with disabilities
- Use of delinquency by schools to remove students with disabilities and committing students to DYS custody

RESTRAINTS AND SECLUSION

Both the U.S. and Arkansas Departments of Education have issued guidance on the use of restraints in schools, recommending that:

- Every effort should be made to prevent the need for physical restraint.
- Every student has the right to be treated with dignity and to be free from abuse.
- Physical restraint should only be used when a student's behavior poses imminent threat of serious physical harm to self or others and should be discontinued as soon as this threat has passed.
- Chemical and mechanical restraints should never be used in a school setting.

Because the restraint guidelines are not established in statute or regulations, there is no enforcement mechanism to ensure that the districts follow them.

However, Arkansas has adopted regulations regarding seclusion in school. Section 20.00 of the ADE Special Education and Related Services Procedural Requirements and Guidelines establishes rules for a "Time-Out Seclusion Room." Under the rules, schools are instructed to use seclusion only if the student's behavior is:

- Destructive to property
- Aggressive toward others
- Severely disruptive to class

Students are not to be secluded for general noncompliance or academic refusal AND only when less restrictive means of controlling behavior have proven ineffective.

CONTRACTED MENTAL HEALTH SERVICES

Many districts do not employ their own school-employed mental health providers, instead choosing to contract with local mental health providers. Some districts and contracted mental health providers are either unable or unwilling to communicate effectively. As a result, districts experience a disconnect in what the student needs for the district to provide a free appropriate public education.

USE OF ALE, FINS AND DELINQUENCY

ALE is sometimes presented to parents as a structured environment that can better meet a child's needs than placement within the regular school setting. Students are often sent into ALEs without ever being identified or provided with special education and related services. Some districts do not complete the required assessments, interventions, or plans prior to or upon placement within the ALE.

The placement of students in disciplinary ALEs, the use of FINS and the use of delinquency to remove students with disabilities with behavior issues—instead of identifying them as students with disabilities and providing needed specialized instruction, services, supports and accommodations—circumvents federal and state law requirements for students with disabilities.

DISCIPLINARY REMOVALS

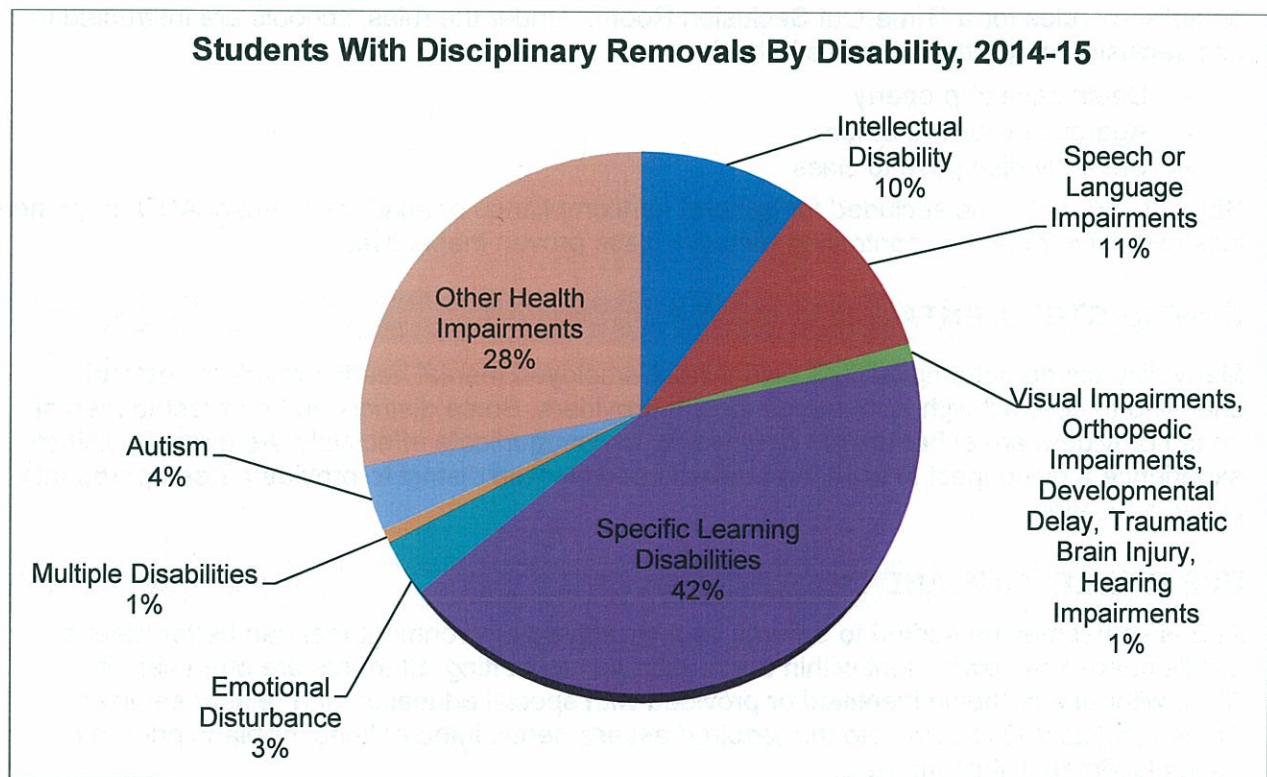
State data indicate that students with disabilities were removed from class for disciplinary reasons a total of 27,262 times in 2014-15. The following table shows that about 10% of the special education population were suspended or expelled from school and nearly 14% of special education students were removed for in-school suspension. The data do not include students at the Arkansas School for the Deaf, Arkansas School for the Blind or the Division of Youth Services.

| | 10 Days or Less | More Than 10 Days | % of SPED Population |
|---|-----------------|-------------------|----------------------|
| Students in Out-of-School Suspension or Expulsion | 5,311 | 490 | 10.4% |
| Students in In-School Suspension | 7,174 | 619 | 13.9% |

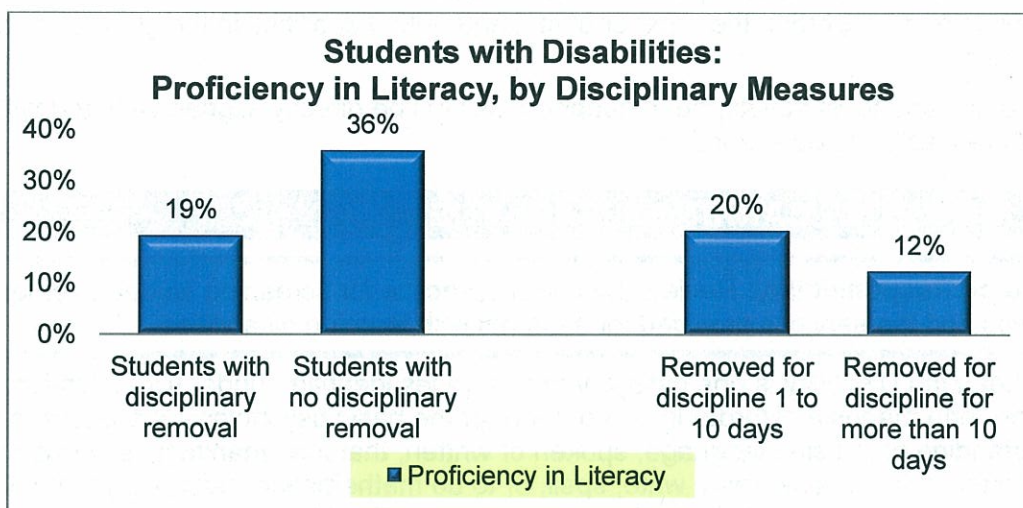
The following table shows the number of students by the total length of disciplinary removals (out-of-school suspensions, expulsions, and in-school suspensions collectively).

| | 1 Day | 2-10 Days | 10+ Days |
|---|-------|-----------|----------|
| Number of Students | 2,408 | 6,926 | 1,548 |
| Percent of All Special Education Students | 4.3% | 12.4% | 2.8% |

Students with specific learning disabilities make up 42% of the students removed from the classroom for disciplinary reasons, though they comprise just 33% of the population of students with disabilities. Students with speech or language impairments make up 11% of the students with disabilities removed, though they make up 26% of the total special education population.



Students with lower levels of disciplinary removals performed better on statewide literacy assessments. The first bars indicate that students with disabilities who were not removed for the classroom for disciplinary measures performed better on the state assessments. Of those students who were removed for disciplinary reasons, students who were removed for shorter periods of time had higher levels of proficiency than those removed for longer durations.



POLICY RECOMMENDATIONS

DRA RECOMMENDATIONS TO INCLUDE IN TASK FORCE REPORT? CONSIDER MOVING TO RECOMMENDATIONS SECTION.

Recommendations for policy changes regarding the discipline of students with disabilities include the following:

- Provide truly comprehensive evaluations to fully understand a student's needs so that individualized programming can be developed and implemented.
- Offer ongoing training with school districts on compliance with federal and state law.
- Provide early intervention that identifies students earlier to begin providing them with needed supports and services and transitions planning into kindergarten.
- Data collection.
- Ensure school districts are adhering more to procedural requirements (e.g., MDRs).
- Implement the following restraint and seclusion policies:
 - ✓ Enact or strengthen laws related to restraint and seclusion in schools.
 - ✓ Ban the use of mechanical restraints.
 - ✓ Prohibit the use of dangerous restraint techniques.
 - ✓ Limit the use of restraints to only those situations involving immediate risk of physical harm.

RESPONSE TO INTERVENTION (RTI) PRACTICES

Task Force Responsibility: Review Response to Intervention (RTI) practices in Arkansas, including identifying RTI programs in public schools that are successful and can be identified as best practices.

RTI is a multi-tiered approach used to identify and provide support for struggling learners. The programming is intended to be carefully monitored, with increasing interventions in order to reach the desired level of progress. RTI cannot be used to deny or delay formal evaluation required under IDEA.

As part of the state's comprehensive, multi-year State Systemic Improvement Plan (SSIP), ADE has included school district capacity building strategies for increasing RTI supports for academics and behavior. These strategies include:

- Creating a tiered system of supports for literacy,
- Creating a tiered system of supports for behavior, and
- Increasing and supporting the number of students with disabilities in the general education classroom.

The resources and tools developed to support SSIP will be directly aligned with and will support the RTI Arkansas statewide initiative.

SCREENING FOR LEARNING DISABILITIES

Task Force Responsibility: Review the current practice for screening students for learning disabilities and the services provided for students with learning disabilities.

Specific Learning Disability is one category of disabilities identified under IDEA. Under ADE rules, "The term means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia." The category of specific learning disabilities "does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage," according to ADE rules.

Act 1294 of 2013 requires school districts to screen all students in kindergarten through second grade for dyslexia and to provide therapy for students who are determined to have dyslexia. The law also requires superintendents to annually report the results of the dyslexia screenings. In 2014-15, the first full school year after the law was passed, 90 school districts reported dyslexia screening results. These districts reported nearly 3,200 students receiving a Level II Dyslexia Screener, which is required for students whose initial screening and interventions indicate the student has characteristics of dyslexia. Of the 3,200 students evaluated, 957 received therapy, according to the districts' reports.

Despite the new screening requirement, there was very little change in the number of students in the "specific learning disability" category in 2014-15. There were 18,155 students with specific learning disabilities in the school year before the law's passage and 18,158 in the first full school year the law took effect. Students identified with characteristics of dyslexia may be identified for intervention services, but they many not necessarily be identified for special education.

SUPPORT SERVICES

Task Force Responsibility: Review the availability of support services for special education programs, students, and families, including without limitation behavioral health services and social services with an effort made to identify best practices.

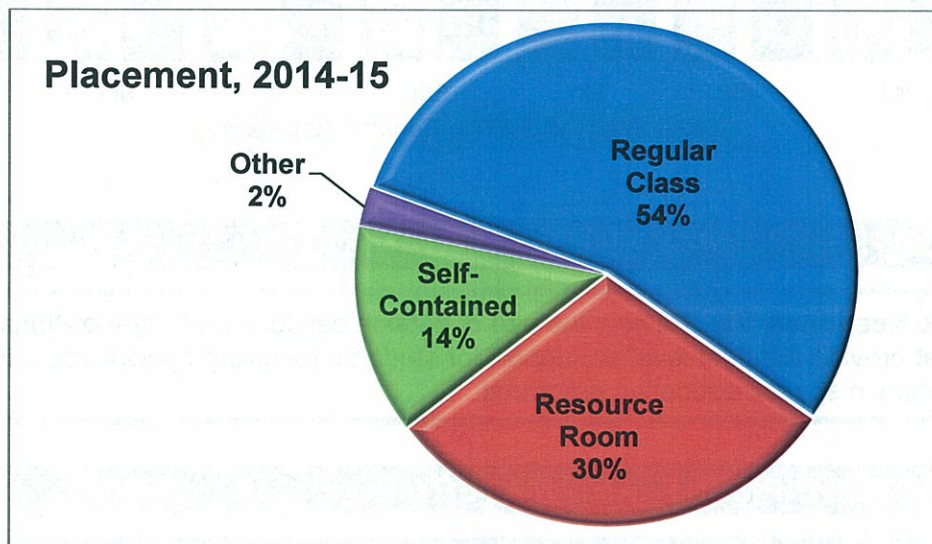
SELF-CONTAINED CLASSROOMS, INCLUSION PROGRAMS, AND RESOURCE ROOMS

Task Force Responsibility: Review the practices of school districts regarding self-contained classrooms, inclusion programs, and resource rooms, including model policies and programs in Arkansas and other states.

According to the law, that means “to the maximum extent appropriate,” students with disabilities should be educated with children who are not disabled. Education provided outside the regular educational environment should occur “only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.”⁶

The following chart shows the educational placement of students in school districts and charter schools. Each placement category is defined as follows⁷:

- Regular class: Students who are in the regular classroom 80% or more of the school day.
- Resource room: Students who are in the regular classroom between 40-79%.
- Self-contained: Students who are in the regular classroom less than 40% of the school day.
- Other: Special education students who are in publicly funded facilities, private day schools, hospitals, private or public residential facilities, etc. (The chart below includes only students for whom school districts are responsible and does not include students in the Conway Human Development Center, the Division of Youth Services or the Arkansas Department of Correction.)



Source: Arkansas Department of Education

As part of its responsibilities under IDEA, Arkansas is required to provide data on students with disabilities by their educational environment. The following table shows the percentage of students for each placement description. Values in **red** indicate that the state’s percentage is **lower than the nation’s**, while values in **blue** indicate the state’s percentage is **higher than the nation’s**.

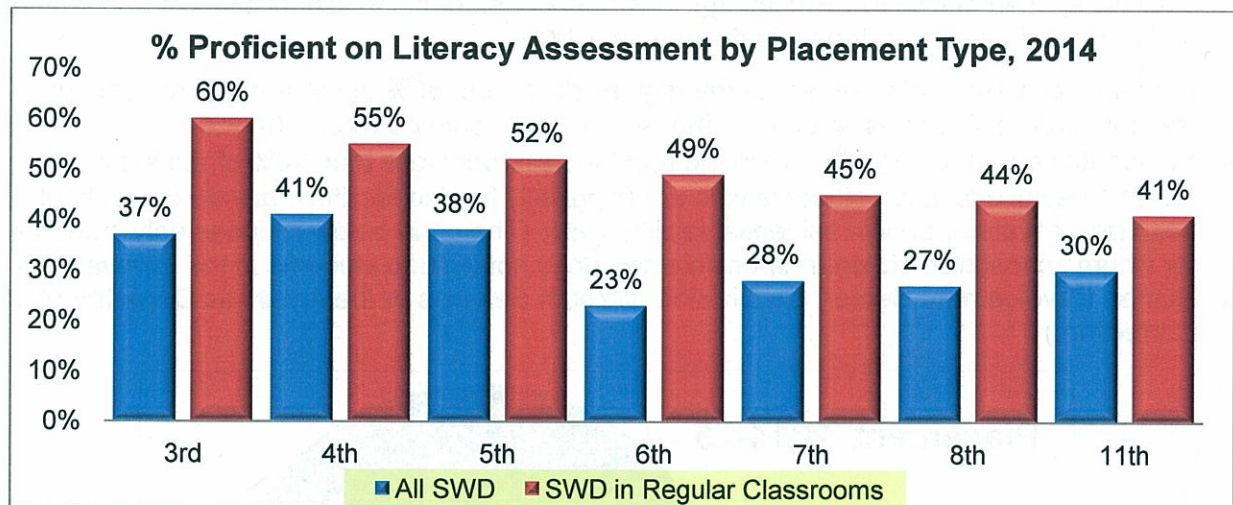
| 2012-13 | State | Nation |
|--|--------------|--------|
| % of Day Spent in Regular Classroom | | |
| 0-39% | 13.4% | 13.6% |
| 40-79% | 30.6% | 19.2% |
| 80-100% | 52.9% | 62.0% |
| Separate Residential Facility | 1.8% | 3.3% |

Source: Part B Data Display: Arkansas Publication Year 2015, <https://osep.grads360.org/#communities/pdc/documents/8086>

⁶ 20 U.S.C. §1412(a)(5)(A)

⁷ Arkansas Department of Education, Special Education School Age Data Dictionary, https://arksped.k12.ar.us/documents/data_n_research/DataDictionaries/dataDictionary_SchoolAge.pdf

The following table indicates that students with disabilities who are placed in the regular classroom for at least 80% of the school day have higher levels of proficiency than all students with disabilities collectively. The chart also shows that while proficiency drops precipitously among all students with disabilities in the 6th grade, this drop is less dramatic among the students with disabilities placed in regular classrooms.



USE OF OUTSIDE SERVICES AND ORGANIZATIONS

Task Force Responsibility: Review the use of outside services and organizations by school districts that provide the best level of support for students receiving special education services or participating in special education programs.

FACILITIES, EQUIPMENT, AND MATERIALS

Task Force Responsibility: Review the facilities, equipment, and materials available in school districts for special education services and programs.

ACADEMIC INSTRUCTION VS. INDEPENDENT FUNCTION TRAINING AND CAREER DEVELOPMENT

Task Force Responsibility: Compare the amount of academic instruction with the training time for independent function and career development.

SPECIAL EDUCATION IN CHARTER SCHOOLS

Task Force Responsibility: Review special education services and programs currently in Arkansas public charter schools and public charter schools outside of Arkansas.

EXEMPLARY SPECIAL EDUCATION PROGRAMS

Task Force Responsibility: Identify exemplary school district special education programs in Arkansas and other states.

NATIONAL RESEARCH

Task Force Responsibility: Review the research and findings of national organizations that support students receiving special education services or students participating in special education programs.

FINANCIAL SUPPORT

Task Force Responsibility: Review the financial support provided for special education services and programs, including whether or not the financial support provided is adequate to meet the needs of the students in special education programs or receiving special education services.

The study shall include a review of the financial practices of school districts in Arkansas for the support of special education services and programs.

STATE FUNDING

FOUNDATION FUNDING

Arkansas funds special education through the foundation funding matrix, which provides funding for 2.9 special education teachers for every 500 students, or \$366.15 per student in 2014-15. To calculate this as a per-student amount, the following formula is used:

$$(2.9 \text{ teachers} \times \text{the salary and benefit amount in the matrix}) / 500 \text{ students}$$

| | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 |
|--------------------------------------|----------|----------|----------|----------|----------|----------|
| Number of special education teachers | 2.9 | 2.9 | 2.9 | 2.9 | 2.9 | 2.9 |
| Salary and benefits | \$58,214 | \$59,378 | \$60,566 | \$61,839 | \$63,130 | \$63,663 |
| Per-student amount | \$337.64 | \$344.39 | \$351.28 | \$358.67 | \$366.15 | \$369.25 |

Under this funding methodology, the state funds special education based on each district's total number of students, rather on the total number of students with disabilities. Like every other component of the matrix (with the recent exception of health insurance), districts' use of the special education funding is unrestricted, meaning they can spend the money however they choose. This differs from the way funding is distributed for English language learners (ELL), students in alternative learning environment (ALE) programs, and students who are economically disadvantaged (those who qualify for a free or reduced price lunch). That categorical funding is based on the number of ELL, ALE and economically disadvantaged students, respectively, and its use is limited to certain types of expenditures.

The Joint Committee on Educational Adequacy set the special education funding rate in the foundation funding matrix in 2003. The Committee determined that the matrix would fund 2.9 special education teachers for every 500 students. The Committee's consultants, Lawrence O. Picus & Associates, had originally proposed funding 2.0 special education teachers, but after receiving input from panels of Arkansas educators, the Joint Committee opted to increase the number to 2.9 teachers. Hired again in 2006, Picus & Associates affirmed the state's methodology of funding special education using a "census" approach — funding based on total enrollment rather than on the number of students with disabilities.

In 2006, Picus & Associates recommended continuing the census-based funding methodology, and they affirmed the state’s funding of 2.9 special education teachers for “high-incidence, lower cost students with disabilities.”

In 2014-15, districts received about \$168.8 million in foundation funding for special education teachers, and they spent about \$166.7 million from foundation funding on special education teachers (spending just slightly less than they received). While the matrix provides funding for 2.9 special education teachers, districts hired 2.97 special education teachers, on average, using foundation funding.

| Foundation Funding Received for Special Ed | Foundation Funding Spent for Special Ed | Number of Special Ed Teachers in Matrix | Number of Special Ed Teachers From Foundation Funds |
|--|---|---|---|
| \$168.8 million | \$166.7 million | 2.9 | 2.97 |

Of the 236 districts operating in 2015, 126 employed fewer than 2.9 special education teachers using foundation funding, while 110 districts employed more than 2.9 special education teachers.

CATASTROPHIC FUNDING

Because districts receive the same rate of foundation funding regardless of the severity of students’ disabilities, the state’s consultants in 2003, Picus & Associates, noted the need to provide supplemental funding. “The small category of students with severe and multiple disabilities, i.e., the low incidence and very high disabled students, are not found in equal percentages in all districts and their excess costs need to be fully funded by the state,” they wrote in their 2003 report. At the time, the state provided additional state aid, known as Catastrophic Occurrences funding, when the cost of educating a student exceeded \$30,000 of district expenditures. “Because this expenditure threshold is far above what any district receives in state equalization aid, a considerable financial burden is placed on districts for these students,” the consultants wrote. They recommended the state reduce the expenditure threshold. In 2004, the State Board of Education approved new rules that established the threshold at \$15,000, in effect making more students’ costs eligible for reimbursement. To support the change, the General Assembly increased the Catastrophic Occurrences funding appropriation from \$1 million for FY2004 to \$9.8 million for FY2005. In 2006, the consultants recommended continuing the Catastrophic Occurrences funding, and they affirmed the new \$15,000 threshold and the cap on funding at \$100,000 per child.

State statute defines special education catastrophic occurrences as “individual cases in which special education and related services required by the individualized education program of a particular student with disabilities are unduly expensive, extraordinary, or beyond the routine and normal costs associated with special education and related services provided by a school district and funding is pursuant to rules promulgated by the state board” (A.C.A. § 6-20-2303). These students may be tube fed, for example, or they may require nursing assistance all day long.

Districts qualify for the funding for any student who needs more than \$15,000 worth of services, after Medicaid, federal IDEA Part B funding (see following section), and available third-party funding is applied. Districts are reimbursed \$15,000 for each catastrophic occurrence, 80% of the amount between \$15,000 and \$50,000, and 50% of the costs between \$50,000 and \$100,000.

The number of students incurring catastrophic expenditures is increasing as is the number of districts that are eligible for catastrophic funding. At the same time, catastrophic funding has been provided at a flat \$11 million for at least the past five years. In 2011, districts that were eligible for funding received nearly \$26,000 per eligible student. In 2015, the average per student amount dropped to less than \$9,600.

| | Number of Students | Number of Districts/ Charters | Funding Per Student | Total Eligible Expenditures* | Total Funding Provided | Amount Not Funded |
|---------|--------------------|-------------------------------|---------------------|------------------------------|------------------------|-------------------|
| 2010-11 | 487 | 111 | \$22,587 | \$15.96 million | \$11 million | (\$4.96 million) |
| 2011-12 | 546 | 129 | \$20,052 | \$17.96 million | \$10.95 million | (\$7.01 million) |
| 2012-13 | 599 | 137 | \$18,364 | \$18.05 million | \$11 million | (\$7.05 million) |
| 2013-14 | 1,102 | 145 | \$9,981 | \$27.78 million | \$11 million | (\$16.78 million) |
| 2014-15 | 1,136 | 153 | \$9,565 | \$30.18 million | \$10.87 million | (\$19.31 million) |

*Eligible expenditures are those that ADE has deemed eligible, but to which the formula (\$15,000+80% of the amount between \$15,000 and \$50,000+50% of any additional costs) has not been applied.

In 2014, the number of students incurring eligible expenditures spiked from just under 600 students in 2013 to about 1,100 students in 2014. According to ADE, the spike resulted from a change in the rubric the Department uses to identify students whose expenses qualify as catastrophic. The previous rubric focused on students with low IQs who needed extensive occupational, physical and speech therapy. It did not adequately adjust for students with autism or another disability who may have a high IQ and good mobility skills, but still require considerable supervision.

The General Assembly has appropriated \$11 million in Catastrophic Occurrences funding since 2008. However, ADE requested a \$1.9 million increase for FY2014 to keep pace with the growing number of students incurring catastrophic expenses, according to the Summary Budget Information provided for the 2013-15 biennium. The General Assembly appropriated \$12.9 million each year for FY14 and FY15, but only \$11 million of the appropriation was funded. The General Assembly returned to appropriating \$11 million for this program for FY16.

FEDERAL FUNDING

A major source of funding is the federal IDEA Part B funding (also known as Title VI-B). Part B funding must be used to pay the excess costs of providing a free and appropriate public education. Districts can use the funding to pay for:

- Special education teachers and administrators
- Related services personnel
- Materials and supplies for students with disabilities
- Professional development for special education personnel or general education teachers who teach students with disabilities
- Specialized equipment or devices

For FY2015, school districts received \$102.4 million in federal IDEA funding and charter schools received more than \$2 million. IDEA Part B funds are not distributed to districts based on the number of students with disabilities in each district. They are provided to each state based on historic funding levels, the number of children in the state and the number of children living poverty in the state.⁸

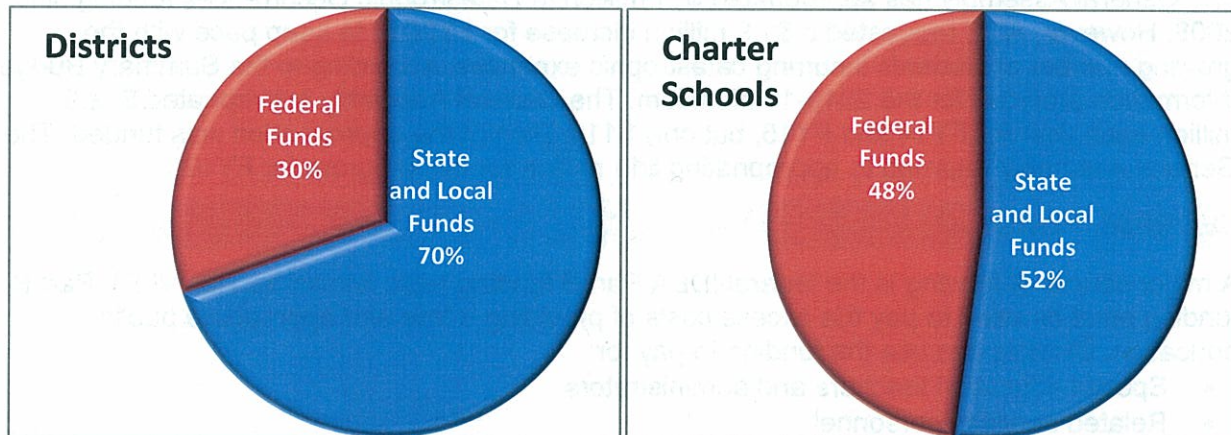
⁸ U.S. Department of Education, Office of Special Education Programs, <http://www2.ed.gov/programs/osepgts/index.html>

SCHOOL DISTRICT FINANCIAL PRACTICES

This section of the report provides information on the cost of providing special education services. In 2014-15, districts spent nearly \$423 million on special education services, or about \$7,694 per special education student, according to the data districts reported in the Arkansas Public School Computer Network (APSCN). Charter schools spent a little over \$5 million providing special education services, or about \$5,516 per special education student. Those figures should not be mistaken for the total cost of educating students with disabilities, because they do not include expenditures that districts make on behalf of all students, such as the cost of principal salaries or utilities. Those figures represent only the expenditures that are specific to special education services or students.

The following chart shows the districts' and charter schools' total special education expenditures. The expenditures are broken down by the type of funding they used to make the expenditures. The numbers do not represent the total amount spent from each funding category, only the total amount from each funding category spent on special education. According to expenditures reported in APSCN, districts used state and local funds to cover about 70% of their special education costs, and federal funds cover the remaining 30%. About 52% of the cost of special education provided in charter schools was paid for with state funds, and 48% of it was paid for using federal funds.

| 2014-15 Special Education Expenditures | |
|--|-----------------|
| Districts | \$422.9 million |
| Charters | \$5.0 million |



The following chart provides a breakdown of special education expenditures based on the funding source that districts and charter schools used.

| Funding Type | Description | Expenditures | |
|---|---|---------------|-------------|
| | | Districts | Charters |
| State and Local | | | |
| Foundation funding, local funds, and activity funds | Foundation funding, additional local millage transferred for salaries or operations and local funds raised by event ticket sales, concessions, etc. | \$264,626,259 | \$2,410,584 |
| Isolated, Student Growth, Declining Enrollment | State isolated or special needs isolated funding, student growth and declining enrollment | \$434,649 | \$21,927 |
| Catastrophic Occurrences | State funding designed to reimburse districts for students with disabilities with unusually high needs | \$9,834,592 | \$31,934 |
| Special Education Services | State funding designed to help districts pay for special education supervisors and extended-year services for students with disabilities | \$2,707,120 | \$64,294 |

| Funding Type | Description | Expenditures | |
|-----------------------------------|--|----------------------|--------------------|
| | | Districts | Charters |
| State and Local | | | |
| Residential | State funding for the education provided to students in residential treatment centers, youth shelters and juvenile detention centers | \$6,651,517 | |
| Early Childhood Special Education | State funding for special education services provided by school districts for 11,500 pre-school children with disabilities | \$3,973,376 | \$42,854 |
| Categorical funds | State National School Lunch, English Language Learner and Professional Development categorical funds | \$2,840,746 | \$53,122 |
| Desegregation | State payment to three Pulaski County school districts for desegregation lawsuit | \$3,392,798 | |
| Other state funds | | \$14,824 | |
| Federal | | | |
| IDEA | Federal funding provided to help states meet the excess costs of providing education and services to students with disabilities | \$102,338,462 | \$2,190,815 |
| IDEA Early Childhood | | \$1,098,454 | \$30,062 |
| Medicaid | Medicaid reimbursement for services districts provided to Medicaid-eligible students | \$24,935,876 | \$190,961 |
| Medicaid Pre-K | | \$13,645 | |
| Other federal | | \$2,310 | |
| Total | | \$422,864,627 | \$5,036,554 |

The following chart provides information on the same special education expenditures. However, this time the expenditures are broken down by the type of service provided. The data show that about 35% of districts' special education expenditures were spent in resource room instruction, while 53% of charter schools' expenditures were spent in the resource room. About 24% of districts' expenditures were spent on instruction in self-contained classrooms, compared with about 2% of charter schools' expenditures. Health expenditures accounted for about 23% of districts' special education expenditures, and about 33% of charter schools' expenditures.

| Service Type | Description | Expenditures | |
|---|---|---------------|-------------|
| | | Districts | Charters |
| Instructional Expenditures | | | |
| Itinerant Instruction (excluding itinerant speech pathologists) | Instruction provided by an educator serving more than one school, in their homes or in hospitals | \$12,282,772 | \$800 |
| Resource Room | Education provided by a resource teacher who works with students who are assigned to regular classrooms more than half of the school day | \$147,441,614 | \$2,693,782 |
| Special Class (Self-Contained Class) | Education provided to students assigned to a special class for at least half of the school day. Student to teacher ratios range from 1:15 to 1:6. | \$101,835,637 | \$84,266 |
| Residential/Private | Education provided to students in residential facilities, separate day schools or by other private agencies | \$10,678,361 | |
| Co-Teaching | Education provided by both a special education teacher and a non-special education teacher in the same class | \$4,385,894 | |
| Pre-school | Education provided to preschool students | \$6,746,382 | \$40,941 |
| SPED director | Supervisor of special education services | \$25,293,193 | \$449,584 |
| Health Expenditures | | | |
| Guidance counseling services | | \$535,774 | |
| Nurses | | \$2,411,880 | \$7,225 |
| Psychological testing and other psychological services | | \$16,452,743 | \$69,644 |
| Speech therapy and audiology services (including itinerant speech pathologists) | | \$45,450,159 | \$1,076,871 |
| Physical and occupational therapy | | \$23,024,148 | \$470,321 |

| Service Type | Description | Expenditures | |
|----------------------------|-------------|----------------------|--------------------|
| | | Districts | Charters |
| Medicaid match | | \$6,479,914 | \$40,941 |
| School-based mental health | | \$647,581 | |
| Other health services | | \$529,579 | \$845 |
| Other Expenditures | | | |
| Transportation | | \$7,142,028 | |
| Other expenditures | | \$11,526,967 | \$101,370 |
| TOTAL | | \$422,864,627 | \$5,036,554 |

RECOMMENDATIONS

LEGISLATIVE TASK FORCE ON THE BEST PRACTICES FOR SPECIAL EDUCATION

| I. SPED Task Force Responsibilities | Agency | Report Provided | Date |
|---|----------|--|---------------------------|
| (A) Review the current practice of identifying students for special education services and programs in public schools in Arkansas and other states. | ADE | Eligibility Criteria and Program Guidelines for Children with Disabilities, Ages 3-21 and Special Education and Related Services | 11/04/2015; 12/09/2015 |
| (B) Compare outcomes of students participating in special education services in Arkansas with those in other states. | BLR/ADE | Special Education and Funding Report (SPEDFR), pages 6-10 | 11/04/2015 |
| (C) Review the requirements for teacher preparation and licensure of special education teachers in Arkansas and other states. | BLR/ADHE | SPEDFR, pages 16-17; Proposed Options for increasing the number of teachers for Special Education | 10/07/2015 |
| (D) Review the requirements for professional development related to special education, including anticipated changes to professional development in Arkansas and other states. | ADE | Overview of the State Systemic Improvement Plan (SSIP), pages 8-9 | 10/07/2015 |
| (E) Review support staff and staffing ratios for special education services and programs, including nurses, teacher aides, and personal student aids. | BLR | Matrix FY2013-FY2015 | 09/16/2015 |
| (F) Review discipline practices for students in special education programs in Arkansas and other states. | ADE/DRA | SSIP, page 7; DRA PowerPoint Presentation, Handout #1 | 10/07/2015; 12/09/2015 |
| (G) Review Response to Intervention (RTI) practices in Arkansas, including identifying RTI programs in public schools that are successful and can be identified as best practices. | ADE | SSIP, page 10-11 (need more) | 10/07/2015 |
| (H) Review the current practice for screening students for learning disabilities and the services provided for students with learning disabilities. | DRA | Handout #1 | 12/09/2015 |
| (I) Review the availability of support services for SPED programs, students, and families, including without limitation, behavioral health services and social services with an effort made to identify best practices. | BLR | SPEDFR, pages 13 | |
| (J) Review the practices of school districts regarding self-contained classrooms, inclusion programs, and resource rooms, including model policies and programs in Arkansas and other states. | ADE/BLR | SSIP, page 6; SPEDFR, page 5 | |
| (K) Review the use of outside services and organizations by school districts that provide the best level of support for students receiving special education services or participating in special education programs. | | | |
| (L) Review the facilities, equipment, and materials available in schools districts for special education services and programs. | | | |
| (M) Compare the amount of academic instruction with the training time for independent function and career development. | | | |
| (N) Review special education services and programs currently in Arkansas public charter schools and public charter schools outside of Arkansas. | | | |
| (O) Identify exemplary school district special education programs in Arkansas and other states. | | | |
| (P) Review of the research and findings of national organizations that support students receiving special education services or student participating in special education programs. | | | |
| II. SPED Task Force Responsibility - Financial | | | |
| (4a) Review of the financial practices of school districts in Arkansas for the support or special education service. | BLR | Resource Allocation of Foundation Funding for Arkansas School Districts and Open-Enrollment Charter Schools, July 09, 2015 | 09/16/2015 |
| (B) The review under subdivision (d)(4)(A) shall include a review of the financial practices of school districts in Arkansas for the support of special education services and programs. | | | |

