

# **Disability** Rights



## **ARKANSAS**

Senate Committee on Children and Youth  
House Committee on Aging, Children and Youth, Legislative  
and Military Affairs

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# Disability Rights Arkansas

- Disability Rights Arkansas (DRA) is a private, non-profit organization designated by the Governor to implement the federally funded protection and advocacy system throughout the state.
- Every state and territory has a protection and advocacy system.
- DRA is federally funded.
- DRA is not part of the federal or state government.

# DRA Mission Statement:

- To vigorously advocate for and enforce the legal rights of people with disabilities.

# Disability

- Disability has a broad definition
- Disability includes physical and mental impairments
- Disability is defined differently by different statutes

# DRA Priority Areas:

- Accessibility
- Community & Institutions (abuse/neglect; discharge planning; restraint and seclusion).
- Education
- Employment
- Juvenile Justice
- Prisons/Jails

# Education Priority -

Students with disabilities will have access to appropriate accommodations and special education and to education in the least restrictive environment.

# Education Objectives -

- Students with disabilities, including those at risk of commitment to 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.
- 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.
- Students with disabilities will have access to appropriate transition planning and services and will understand their transition rights.

# Two Major Federal Education Laws

- Individuals with Disabilities Education Act (IDEA)
- Section 504 of the Rehabilitation Act (Section 504)



# DRA Education Requests for Services FY 2015

Total Requests for Services	266
Evaluation/Identification	121
Health and Medical Supports	93
Behavior, Restraint/Seclusion, Exclusion, Abuse/Neglect	52



# Primary Problems in School to Prison Pipeline

1. Identification of Students with Disabilities by School Districts
2. School Districts Failing to Provide Supports, Services, and Accommodations to Students with Disabilities
3. Placement of Students with Disabilities in Alternative Learning Environments
4. Use of FINS by Schools to Remove Students with Disabilities
5. Use of Delinquency by Schools to Remove Students with Disabilities and Committing Students to DYS Custody

# School to Prison and Dropout Pipeline: Primary Problems

Failure to identify students with disabilities.

Disabilities Significantly Under-Identified in Arkansas  
Schools:

- ❖ *Serious Emotional Disorders*

- ❖ *Autism*

- ❖ *Specific Learning Disabilities*

# School to Prison Pipeline

## Primary Problems

- Failure to offer Students with Disabilities accommodations, specialized instruction, services, and supports needed to succeed at school.

# School to Prison and Dropout Pipeline

## Primary Problems

Placement of students in disciplinary Alternative Learning Environments 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*
- ❖ *Current funding structure for ALEs incentivizes removal of students with disabilities from regular school settings*

# School to Prison and Dropout Pipeline

## Primary Problems

Use of FINS by schools to remove students with disabilities with behavior issues from regular school setting instead of addressing need for specialized instruction, services, supports and accommodations.

- ❖ *Circumvents federal and state law requirements for students with disabilities*

# School to Prison and Dropout Pipeline

## Youth Committed to DYS

Failure of DYS to have effective system of identifying youth with disabilities.

Failure of State to provide youth committed to DYS with equal educational opportunity.

Failure of DYS to comply with federal and state laws concerning education for youth with disabilities.