

# **STATE EDUCATIONAL AGENCY RESPONSIBILITY FOR GENERAL SUPERVISION [FORMERLY: RESPONSIBILITY OF STATE EDUCATIONAL AGENCY (SEA)]**

## **I. STATE POLICY**

It is the policy of the Arkansas Department of Education that each educational program for children with disabilities administered within the State, including each program administered by any other State or local agency, is under the general supervision of the persons responsible for educational programs for children with disabilities in the SEA, and will comply with the education standards established by the State Board of Education for special education programs and IDEA-B requirements. It is further the policy of the Arkansas Department of Education that when private providers of educational services for children with disabilities contract with public agencies, the private providers must meet the standards established by the State Board of Education for special education programs.

It is the policy of the Arkansas Department of Education that all educational programs within the State, including those administered by other public agencies, are informed that requirement 34 CFR 300.600 may not be construed to limit the responsibility of agencies other than educational agencies for providing or paying some or all of the costs of a free appropriate public education children with disabilities in the State.

## **II. AUTHORITY**

Authority for general supervision of all educational programs for children with disabilities is established by the following -

- A.** Arkansas Code Annotated 6-41-202 states: "(a) It shall be the policy of this state to provide and to require school districts to provide, as an integral part of the public schools, a free appropriate public education (FAPE) for students with disabilities. The State Board of Education is therefore expressly authorized to assign responsibility for providing free appropriate public education of any child with a disability to an appropriate school district. (b)(1) One of the purposes of this subchapter is to cooperate in any reasonable way with programs now in operation for children with disabilities in any state institution or treatment facility. (2) It shall be a primary purpose of this subchapter to cooperate fully with the institutions and treatment facilities to the end that the best interests of children with disabilities shall be served." (See Attachment 2 - Statutes.)
- B.** Arkansas Code Annotated 6-20-505 was enacted to clarify responsibility for education of foster children and children with disabilities. The regulations implementing Ark. Code Ann. 6-20-505 were submitted previously and are on file with OSEP.

- C. In addition, the Arkansas Department of Education has entered into signed memoranda of understanding and interagency agreements with other public agencies. Those agreements are periodically reviewed to improve the scope and clarity of roles and responsibilities for implementing special education in Arkansas.
- D. One major interagency agreement is between the Arkansas Department of Education and the Arkansas Department of Human Services. This agreement defines financial responsibility of each agency for providing a free appropriate public education to children and youth with disabilities. The agreement also provides for a mechanism for resolving interagency disputes.
- E. In the interagency agreements, each agency agrees that the Arkansas Department of Education will provide general supervision and that each agency will meet program standards of the state and the requirements of IDEA.
- F. The Arkansas Department of Corrections is, by law, an LEA and provides education programs for school-aged inmates, including special education and related services for inmates with disabilities. The Department of Corrections' Special Education program is treated as an LEA by the Arkansas Department of Education.

### **III. PROCEDURES**

The procedures for assuring compliance are -

- A. Each local educational agency will be monitored for compliance with state standards and IDEA-B requirements on a three-year cycle. The SEA monitoring follows the procedures set forth in the SEA's *Procedural Manual for LEA Compliance Monitoring*.
- B. Each private agency will make application for approval and will be approved according to the procedures established by the SEA for private agency education program approval.