

SEA IMPLEMENTATION OF SAFEGUARDS

I. STATE POLICY

The Arkansas Department of Education has established procedures that the SEA [and any other agency assigned responsibility pursuant to 34 CFR 300.600(d)] follows to inform each public agency of its responsibility for ensuring effective implementation of procedural safeguards for the children with disabilities served by that public agency. Requirements pertaining to procedural safeguards are found in Attachment 1, *Special Education and Related Services: Procedural Requirements and Program Standards* (ADE, 2000), Section 9.00, Due Process.

II. STATE PROCEDURES

To be eligible applicants for receipt and/or expenditure of state and federal funds for the provision of special education and related services to children with disabilities, LEAs, SEAs and any other eligible agencies are required to submit documented evidence of adoption of the State's rules and regulations governing the provision of special education and related services, as adopted by the Arkansas State Board of Education. These regulations include all procedural safeguards required under the Individuals with Disabilities Education Act (IDEA) and other statutory or regulatory provisions incorporated therein (e.g., portions of 34 CFR part 99 implementing the Family Educational Rights and Privacy Act). Additionally, applicants for Title VI-B and State Equalization Aid funds must sign written assurances of compliance with all applicable procedural safeguards.

The Arkansas Department of Education, through its system of compliance monitoring, routinely determines public agency compliance with the requirements pertaining to the implementation of procedural safeguards.

Furthermore, through its dispute resolution systems (impartial due process hearings and state complaint procedures), the Department has additional mechanisms for investigating allegations of a failure to provide or inform a parent or eligible student of procedural safeguards, and for providing remedies should such allegations be verified.

Should an agency under the general supervision of the Arkansas Department of Education fail to comply with corrective actions issued by the Agency pertaining to compliance with the provision of procedural safeguards, the Department has authority through the State Board of Education, as established in Ark. Code Ann. 6-41-207 (e) & (f), to employ a variety of sanctions in order to bring about compliance. (See Attachment 2 – Statutes.)