



Knowledge Powers Solutions for Parents

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January 9, 2010

Arkansas Department of Education
Attn: Custodian of Records
4 Capitol Mall
Little Rock, AR 72201

Re: Arkansas Freedom of Information Act Request

Dear Custodian of Records:

This is a request for public records pursuant to the Arkansas Freedom of Information Act (hereinafter, "AFOIA"). Please note that the provision in the AFOIA that prohibits noncitizens of Arkansas from requesting public information from Arkansas violates the Privileges and Immunity Clause of the United States Constitution and is, therefore, an invalid basis for denying the records requested herein. *Lee v. Minner*, 458 F.3d 194 (3rd Cir. 2006).

We are requesting any and all records containing information regarding:

1. The research conducted, data collected, and reports generated to date as a result of Act 1272, otherwise referred to as the "Arkansas Legislative Task Force on Autism Act," including, but not limited to, copies of the actual research, data, and reports;
2. How many K-12 public education students in Arkansas within the last five (5) years have been found eligible for residential placement through the Behavior Treatment Services program provided by the Arkansas Department of Human Services (hereinafter, "DHS");
3. How many K-12 public education students in Arkansas within the last five (5) years who were residentially placed through the Behavior Treatment Services program provided by DHS were identified with any type of autism spectrum disorder by any assessor **prior** to their DHS residential placement;
4. How many K-12 public education students in Arkansas within the last five (5) years who were residentially placed through the Behavior Treatment Services program provided by DHS were identified with any type of autism spectrum disorder by any assessor **during** their DHS residential placement;
5. How many K-12 public education students in Arkansas within the last five (5) years who were residentially placed through the Behavior Treatment Services program

provided by DHS were identified with any type of autism spectrum disorder by any assessor **subsequent** to their DHS residential placement;

6. The efforts undertaken by the Arkansas Department of Education (hereinafter, "ADE") to ensure that children with autism spectrum disorders and no other handicapping conditions are not misclassified by their Local Education Agencies (hereinafter, "LEAs") as having disorders other than autism spectrum disorders in an effort to have them found eligible for Behavior Treatment Services through DHS;
7. The efforts undertaken by ADE to ensure that children with autism spectrum disorders in addition to other handicapping conditions are not misclassified by their LEAs such that the presence of their autism spectrum disorders are excluded and only their other handicapping conditions are reported in an effort to have them found eligible for Behavior Treatment Services through DHS;
8. The collaboration between ADE and DHS to ensure that children with autism spectrum disorders are not misidentified by their LEAs as having mental and emotional health problems that would otherwise make them eligible for residential placement through DHS;
9. The collaboration between ADE and DHS to ensure that children with autism spectrum disorders in addition to mental and emotional health problems who require residential placement are not inappropriately placed in DHS residential placements that lack appropriate programming for children with autism spectrum disorders;
10. The residential placement options for K-12 public education students in Arkansas who have autism spectrum disorders;
11. The residential placement options for K-12 public education students in Arkansas who have autism spectrum disorders in addition to mental and emotional health disorders;
12. The collaboration between ADE and DHS to ensure that children placed in residential care through DHS who are also eligible for special education and related services receive a Free Appropriate Public Education (hereinafter, "FAPE");
13. The statewide expenditures within the last five (5) years on special education and related services for children found eligible for special education under the "Autism" criteria found at Arkansas Special Education Rules and Regulations Section 6.09.1; and
14. The statewide expenditures within the last five (5) years on special education and related services for children residentially placed through DHS.

In an effort to minimize environmental impact and the costs of reproduction, please provide all copies of written documents in the form of PDFs. We have provided the enclosed blank DVD upon which any and all records requested can be placed without the need for the use of paper or other media. Please provide any audio recordings in MP3 or WAV file format. Please provide any videos in MP4 format.

If any of the information we have requested is publicly available on the internet, please simply provide us with the URL rather than printing it out or PDFing it to disc. URLs can be emailed directly to me at azachry@kps4parents.org.

We understand that you have 24 hours upon receipt of this request in order to determine if any of the materials we've requested must be granted or denied and that any materials granted must be provided within three days. Because we are located out-of-state, it is impractical for us to pick up these items from ADE in person. Therefore, we request that they be mailed to us using the enclosed self-addressed, stamped mailer. If you have any questions regarding this request, please do not hesitate to contact me directly.

Respectfully submitted,



Anne M. Zachry, Chief Executive Officer
KPS4Parents, Inc.

- * *Special Education & Disability Resource Advocate*
- * *Paralegal Services Coordinator*

Cc: <http://arkansas.kps4parents.org>