

Due Process Hearing Requests
South Dakota Department of Education
Special Education Programs
7-01-05 to 6-30-06

DISTRICT	ISSUE(s)	RESOLUTION SESSION	MEDIATION	HEARING
Date received: 01/26/06 District: Midland School District	1. Parents allege the district denied FAPE. 2. Staff from the district has not implemented the IEP as written. 3. The district has not abided by the terms of the mediation agreement for make-up services and consulting services.	Agreed to hold resolution session: Yes/No – NO Date held: Signed agreement reached: Yes/No – Agreed to waive resolution session: Yes/ No – Yes	Yes/No – Yes Date held: 02/15/06-02/16/06 Outcome: mediation agreement reached	Yes/No – NA Date held: Outcome:
Date recv'd- 06/30/06 District: Rapid City School District	Parents allege the district denied FAPE for the 2004-2005 and 2005-2006 school years because: 1. IEPs were not revised, based on individual and functional needs, to address lack of progress in achieving goals and objectives. 2. IEPs were not revised, based on individual and functional needs, to address lack of progress in the general curriculum. 3. Assessment tools, strategies, and evaluation procedures administered by district staff did not assist the IEP team in determining educational need. 4. Staff failed to adequately consider the results of district-wide assessments, individual evaluations administered, and independent education evaluations in determining individual educational needs, goals and objectives, accommodations/modifications, related services, and supplementary aids and services. 5. District did not propose a change to the delivery of instruction or curriculum district staff used to address lack of progress in the general curriculum and in meeting goals and objectives until parents proposed the district pay the cost of the Processing and Cognitive Enhancement (PACE) and Master the Code programs from a private provider.	Agreed to hold resolution session: Yes/No – NO Date held: Signed agreement reached: Yes/No – Agreed to waive resolution session: Yes/ No – Yes	Yes/No – Yes Date held: 07/17/06 Outcome: Mediation agreement reached	Yes/No – No Date held: Outcome:

	<p>6. IEP addendum from May 24, 2005 was not implemented as written because the assistive technology consultant did not find assistive technology that would work. 7. District failed to provide supplementary aids and services, related services, accommodations/modifications in the classroom and in the home to enable the child to make progress in the general curriculum and achieve goals and objectives. 8. Transportation to Elementary School was not provided as a related service after the IEP team placed the child at one Elementary school instead of the other Elementary School for the 2005-2006 school year.</p>			
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