

# Office of Special Education Complaint Investigation Log School Year 2002-2003

Date received	District involved in complaint	Issues of the complaint	Issue date of complaint report/ findings	Closure date
9/3/02	Sioux Falls	<ol style="list-style-type: none"> <li>1. Complainant alleges the district failed to follow the student's IEP. Specifically noted was a failure to provide the student with a mentor/male counselor and a failure to call Southeastern Behavioral Health Services if escalation of negative behavior occurred to secure on-call counseling.</li> <li>2. Complainant alleges student's psychological evaluation/report was delayed.</li> </ol>	10/23/02 District in compliance with both issues.	10/23/02 Closed
9/23/02	Haakon	<ol style="list-style-type: none"> <li>1. The complainant alleges the district did not make reasonable efforts to ensure the parents understood and were fully informed of their rights in regards to tests recommended by the district to be done on the student. They cite <u>ARSD 24:05:30:02.01 Parent participation in meetings</u> specifically.</li> <li>2. The complainant alleges the district failed to provide at no cost the related services of medical services for diagnostic or evaluation purposes. They cite <u>ARSD 24:05:27:16 Related services provided at no cost</u> specifically</li> </ol>	11/15/02 District out of compliance on issue 2	11/22/02 Closed
9/30/02	Sioux Falls	Multiple issues- issues surround provision of services to student with autism, use of research based methodologies	N/A	No complaint investigation – due process hearing requested on same issues – complaint set

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10/15/02	Deubrook	<ol style="list-style-type: none"> <li>1. The complainant alleges the district did not follow the student's IEP and behavior plan.</li> <li>2. The complainant alleges the district will not include a statement of supplementary aids and services necessary for participation in extracurricular and other non-academic activities.</li> </ol>	12/6/02 District out on issues 1 and 2	6/6/03 Closed
10/25/02	Hill City	<ol style="list-style-type: none"> <li>1. The complainant alleges the district is in violation of ARSD 24:05:22:01, which requires a district to identify children in need of special education or special education and related services through the development and utilization of a system for identification, location and evaluation.</li> <li>2. The complainant alleges the district failed to make a proper referral of the student who was seeing a school counselor during a time period when the student experience problems and entered a hospital for evaluation. They cite ARSD 24:05:24:01 specifically as being violated.</li> <li>3. The complainant alleges the district has failed to provide the related service of medical services for diagnostic or evaluation purposes when the student was admitted to a hospital. They cite ARSD 24:05:27:06 specifically.</li> </ol>	12/17/02 District out of compliance on all 3 issues.	6/9/03 Closed
2/19/03	Aberdeen	<ol style="list-style-type: none"> <li>1. The complainants allege the district failed to include a regular education teacher and an evaluator as part of an appropriate IEP team on 4/8/02. <u>ARSD 24:05:27:01.01 IEP team</u> was cited.</li> <li>2. The complainants allege the district denied FAPE to the student by not addressing behavior's that impeded his learning and the learning of others. They also allege the district did not</li> </ol>	4/14/03 District out of compliance on issues 1,4,5,6 and 7.	Closed 11/14/03

		<p>consider strategies, including positive behavioral interventions for student when he received many detentions. <u>ARSD 24:05:27:01.02 Development, review and revision of individualized education program</u> and corresponding federal regulations were cited.</p> <ol style="list-style-type: none"><li>3. The complainants allege the district during the process of disciplinary action failed to assert special education protections for the student being suspected of being in need of special education. <u>ARSD 24:05:26:14 Protections for students not yet eligible</u> was cited.</li><li>4. The complainants allege the IEP team did not develop an appropriate individual educational program for the student on 11/11/02, basing it on a previously developed IEP. <u>ARSD 24:05:25:22 IEP team to develop individual education program and corresponding federal regulations</u> were cited.</li><li>5. The complainants allege the district when reporting a crime, did not ensure copies of the student's special education and disciplinary records were transmitted for consideration by the appropriate authorities to whom the crime was reported. <u>ARSD 24:05:26:15 Referral to and action by law enforcement and judicial authorities</u> was cited.</li><li>6. The complainants allege the district did not pay for the related services of counseling and transportation for the student. They also allege the student missed counseling services due to a failure of the transit system to transport the student. <u>ARSD 24:05:27:03 IEP team to determine related services., ARSD 24:05:27:04 Determination of related services., ARSD 24:05:27:07 Transportation., and ARSD 24:05:27:16 Related services provided</u></li></ol>		
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		<p><u>at no cost.</u> along with corresponding federal regulations were cited.</p> <p>7. The complainants allege the district did not inform staff at the high school after November 11, 2002 of the student's status as an eligible student and did not afford him protections under the administrative rules of South Dakota and the federal regulations of IDEA. They cite federal regulations §§300.342(b)(2), 300.342(3)(i), and 300.342(3)(ii).</p> <p>8. The complainants allege the Division of Education Services and Resources did not provide training or technical assistance to district staff on the requirements of least restrictive environments. <u>ARSD 24:05:28:11 Technical assistance and training.</u> was cited.</p>		
2/21/03	Brookings School District	<p>1. The complainants allege the district has refused to invalidate test results completed for the student. They note the district reported the findings and amended the results, noting the child was ill during testing.</p> <p>2. The complainants allege the district did not seek a mutually agreeable time to hold an IEP team meeting.</p> <p>3. The complainants allege the district did not provide them with a copy of their child's IEP.</p> <p>4. The complainants allege the speech therapist did not show up for therapy sessions.</p>	N/A	Complaint withdrawn
5/28/03	Belle Fourche	<p>1. The complainant alleges the district did not provide sufficient prior written notice for IEP meetings held on 4/16/03 and 4/22/03.</p> <p>2. The complainant alleges the school district did not meet its obligation to allow the parent to participate in the April, 2003 meetings.</p>	6/27/03 District out on all three issues	9/15/03 Closed

		3. The complainant alleges the district did not allow the parent or child to be represented at the meetings.		
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September 1, 2002 through August 31, 2003

For more information regarding complaints, contact Special Education Programs at 605-773-3678 or via email at [michelle.powers@state.sd.us](mailto:michelle.powers@state.sd.us)