

2007-2008 Complaint Log

Date Received	District involved in complaint	Issues of the complaint	Mediation	On site dates/ Investigation dates	Issue date of complaint report/ findings	Corrective action plan received date	Closure date
07/11/2007 60-days:	1. White River School Dist.	The complainant alleges the school district: <ol style="list-style-type: none"> 1. did not set obtainable goals; 2. did not consider Extended School Year services; 3. did not address parent input into the IEP concerning organization of school work and information; 4. did not address assistive technology that would help the student progress in the general curriculum. 	Mediation requested. Held: 8/15/07 Outcome: Signed mediation agreement	NA	NA	None required	08/15/07

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07/19/07 60-days: 09/19/07	2. South Dakota School for the Deaf Resident District: Flandreau School Dist.	The complainant alleges the school district: <ol style="list-style-type: none"> 1. did not provide highly qualified staff to deliver reading and writing services during the extended school year program (ESY); 2. provided ESY services without the use of an interpreter, or without the use of an interpreter who was sufficiently or adequately trained and experienced in order to provide appropriate translation in ASL; 3. failed to ensure the child had opportunities to receive direct instruction in the child's language or mode of communication, ASL; 4. did not provide ESY services that were determined necessary by the IEP team based upon IEP team discussion and agreement, but simply placed the child into a pre-existing program already being offered; 5. is limiting or restricting the persons attending the IEP meetings by failing to include necessary members of the IEP team on the Parental Prior Written Notice forms and by submitting the Parental Prior Written Notice form to the parent with insufficient time for the parent to ensure attendance of necessary IEP team members; 6. was denied FAPE based on the 	Not wanted	08/13/07-	9/18/07	10/21/07	6/30/08

		limited opportunities for direct communications with peers, both in school and during the limited opportunities for age-appropriate extracurricular activities offered at or by the SDSD.					
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09/17/07 60-days: 11/17/07	3. Winner School District	<p>The complainant alleges the district:</p> <ol style="list-style-type: none"> 1. failed to follow federal regulation when it sent out a May 14, 2007, prior notice stating the reason for the May 21, 2007 meeting was discussing summer school options; 2. denied a free appropriate public education (FAPE) because student's mother was not allowed to be an equal participant in determining Extended School Year Services (ESY). The meeting to discuss ESY was not held before the stated determination date and mother did not have adequate time to have her concerns addressed through the state complaint procedures; 3. denied FAPE because it did not ensure that ESY services were available to the student based on his individual needs; 4. denied FAPE because it did not consider student's individual needs in determining the type and amount of ESY services; 5. unilaterally limited the type and duration of ESY services for the student by only discussing "summer school" and proposing partial services for the student that were based on the summer school schedule that the district offers every summer for many students; 6. did not provide student with the services that were written in the May 21, 2007 meeting notes; 7. did not make a good faith effort to provide student with swim 	Refused	9/26/07 – 10/20/07	10/29/2007	02/11/08 *District was in correspondence with the state regarding corrective action. They were given permission to return their corrective action plan after onsite training.	

		therapy in August and did not inform mother that student would not receive swimming therapy.					
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9/19/07 60-days: 11/18/07	4. Lead-Deadwood School Dist.	The complainant alleges the school district: 1. failed to follow federal regulation when it did not mail out the parental prior written notice; 2. did not inform the parents who was invited to the IEP meeting; 3. did not give the parents a complete IEP after the IEP meeting, which did not include the date/time, boxes checked or signatures; 4. generated the prior notice after the IEP meeting was held; 5. changed the IEP without holding a meeting.	Not wanted	10/04/07-11/14/07	11/16/07	12/11/07	2/28/08

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<p>10/30/07</p> <p>60-days:</p> <p>Mediation held, no complaint investigator needed</p>	<p>5. Kadoka School Dist.</p>	<p>The complainant alleges the school district:</p> <ol style="list-style-type: none"> 1. failed to follow federal regulation when it mailed addendum requesting signatures for changes to IEP when no prior notice or IEP meeting was held; 2. denied a free appropriate public education (FAPE) because student is not receiving current accommodations listed on IEP including: oral tests, modified grading scale, work bank for tests, study guides, books on tape and shortened written assignments; 3. denied parents request for extended time to complete assignments to be added to accommodations; 4. is not providing the accommodation of shortened writing assignments/study guides when student is required to take own notes on laptop; 5. is punishing student by having attend before and after school study sessions due to failing test scores when student is not receiving assistance included on IEP; 6. is not offering books on tape even though it is listed as an accommodation. 	<p>Mediation requested.</p> <p>Held: 10/19/07</p> <p>Outcome: Signed mediation agreement</p>	<p>NA</p>	<p>Mediation agreement 10/19/07</p> <p>Surveys returned from parent and school on 3/12-13/08</p>	<p>None required</p>	<p>NA</p>

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10/30/07 60-days: 1/29/08	6. Milbank School Dist.	The complainant alleges the school district: 1. failed to follow federal regulation when it did not implement the correct amount of services on the IEP according to how it was written.	Not wanted	11/30/07-	12/11/07	12/19/07 and 5/22/08	7/03/08

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11/26/07 60-days: 1/25/08	7. Chamberlain School Dist.	The complainant alleges the school district: 1. failed to follow federal regulation when it did not provide Speech/Language Therapy to children on IEPs.	Not wanted	12/01/08	1/22/08	2/22/08	

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11/30/07 60-days:	8. Menno School Dist.	The complainant alleges the school district: 1. failed to follow federal regulation when it did not agree to hold an IEP addendum meeting requested by the parents	Not wanted	11/30/07-	1/23/08	2/25/08	2/28/08

Date Received	District involved in complaint	Issues of the complaint	Mediation	On site dates/ Investigation dates	Issue date of complaint report/ findings	Corrective action plan received date	Closure date
12/04/07 60-days: 2/02/08	9. Arlington School Dist.	<p>The complainant alleges the school district:</p> <ol style="list-style-type: none"> 1. failed to follow federal regulation when it did not provide a free appropriate public education; 2. did not follow proper reevaluation procedures; 3. failed to hold an annual Individual Education Program meeting; 4. failed to consider reevaluation results to determine eligibility when requested re-enrollment in the district 5. did not follow placement procedures; 6. did not follow through with child find requirements; 7. failed to consider transition services for special education. 	Not wanted	12/15/07-	2/1/08	2/25/08	

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2/15/08	10. Rapid City School District	<p>The complainant alleges the school district:</p> <ol style="list-style-type: none"> 1. failed to promptly evaluate the student when requested by the parents; and 2. failed to follow federal regulation when it did not properly inform the parents of procedural safeguards. 	<p>Held 2/26/08 and successful</p> <p>Letter sent: 2/29/08</p>	NA	NA	NA	Mediation closed 2/26/08

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4/9/08 60-days: 6/08/08	11. Rapid City School District	The complainant alleges the district: 1. failed to follow federal regulation concerning Extended School Year services; and 2. failed to follow federal regulation when it failed to follow IEP team membership procedures.	Not wanted	4/9/08-5/24/08	6/04/08	7/07/08	

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5/13/08 60-days: 7/12/08	12. Stanley Co. School District	<p>The complainant alleges the district:</p> <ol style="list-style-type: none"> 1. failed to follow federal regulation when it did not provide appropriate evaluation procedures concerning initial evaluations and additional requirements for evaluations and re-evaluations; 2. did not follow federal regulation concerning duties of a district after referral; 3. did not follow federal regulation concerning duties of a district after informal review; and did not follow through with child find requirements. 	Not wanted	5/16/08-7/2/08	7/08/08		

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5/16/08 60-days: 7/15/08	13. Pierre School District	<p>The complainant alleges the district:</p> <ol style="list-style-type: none"> 1. failed to follow federal regulation when it did not provide appropriate evaluation procedures concerning transition evaluations and additional requirements for evaluations and re-evaluations; 2. did not follow federal regulation concerning duties of a district after referral; 3. did not follow federal regulation concerning evaluations before change in eligibility; 4. did not follow federal regulation concerning development, review and revision of an IEP; 5. did not follow transfer of parental rights procedure; 6. failed to follow procedural safeguards notice; and 7. failed to follow federal regulation concerning child find requirements. 	Not wanted	5/21/08-7/9/08	7/14/08		

Date Received	District involved in complaint	Issues of the complaint	Mediation	On site dates/ Investigation dates	Issue date of complaint report/ findings	Corrective action plan received date	Closure date
5/23/08 60-days: 7/22/08	14. Lyman Co. School District	<p>The complainant alleges the district:</p> <ol style="list-style-type: none"> 1. failed to follow federal regulation when it did not provide an appropriate education at no cost and did not consider his individual needs, 2. failed to follow federal regulation concerning development, review and revision of IEP as written, 3. failed to determine Extended School Year services in a timely manner, 4. failed to determine related services, 5. did not follow federal regulation concerning transportation; and 6. did not follow federal regulation concerning Individual Education Program team membership. 	Not wanted	6/20/08-7/3/08	7/9/08	7.17.08	

Date Received	District involved in complaint	Issues of the complaint	Mediation	On site dates/ Investigation dates	Issue date of complaint report/ findings	Corrective action plan received date	Closure date
5/27/08 60-days: 7/26/08	15. SD School for the Deaf	<p>The complainant alleges the district:</p> <ol style="list-style-type: none"> 1. SDSD, the Board of Regents (BOR), and the Department of Education failed to provide a free appropriate public education that meets the unique needs of the students at SDSD as a result of its unilateral blanket decision not to provide ESY services, 2. SDSD refused to provide extended school year services which consider the special communication needs of children who are deaf or hard of hearing who attend or are seeking to attend SDSD, 3. SDSD and the BOR have violated IDEA parental participation safeguards and least restrictive environment requirements, 4. SDSD and the BOR have violated the individual education program by failing to provide services based on students' unique needs, 5. SDSD and the BOR have improperly refused to admit or acknowledge that IDEA applies to the SDSD to meet all IDEA requirements; and 	Not wanted				

		6. SDSD and the BOR have failed to afford parents of students attending or seeking to attend SDSD with procedural safeguards mandated by IDEA.					
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6/4/08 60 days: 8/3/08	16. Chester School District	1. child find and identifying children in need of special education and related services, 2. procedural safeguards, 3. eligibility and placement procedures, and additional requirements for evaluations and reevaluations, 4. IEP team to evaluate, interpret, and explain evaluation results to parents, 5. evaluation procedures, 6. IEP team to determine placement, 7. development, review, and re vision of individualized education program; and 8. free, appropriate public education.	Not wanted	6/16/08	7/02/08	7/16/08	

Date Received	District involved in complaint	Issues of the complaint	Mediation	On site dates/ Investigation dates	Issue date of complaint report/ findings	Corrective action plan received date	Closure date
6/18/08 60 days: 8/17/08	17. Pierre School District	<p>The complainant alleges the district:</p> <ol style="list-style-type: none"> 1. failed to follow federal regulation when it did not provide appropriate evaluation procedures concerning initial evaluations and additional requirement for evaluations and reevaluations; 2. did not follow federal regulation concerning child find requirements and identifying a child in need of special education services; 3. did not follow federal regulation concerning initial referral and duties of a district after referral; 4. did not follow federal regulation concerning medical services; 5. did not follow federal regulation concerning development, review and revision of an IEP; 6. failed to follow procedural safeguards notice; and 7. failed to follow federal regulation concerning eligibility and placement procedures. 	Not wanted				

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6/26/08 60 days: 8/25/08	18. Redfield School District	<p>The complainant alleges the district:</p> <ol style="list-style-type: none"> 1. failed to follow federal regulation when it did not determine eligibility and placement procedures; 2. failed to follow federal regulation concerning additional requirements for evaluations and reevaluations; 3. did not follow child find procedures and identifying children in need of special education services or related services; 4. failed to follow federal regulation when it did not give parent opportunity to examine records or consider parental input; 5. did not include the Individualized Educational Program (IEP) team to evaluate, interpret and explain, determine placement, or make decisions as a team; 6. failed to follow federal regulation concerning development, review and revision of IEP as written; and 7. failed to determine least restrictive environment. 	Not wanted				

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6/30/08 60 days: 8/29/08	19. Yankton School District	<p>The complainant alleges the district:</p> <ol style="list-style-type: none"> 1. failed to follow federal regulation when it did not adequately evaluate, including hearing and medical diagnostic evaluations for ADD/ADHD; 2. failed to provide evaluations that provided recommendations for special education and related services; 3. failing to consider the need for an assistive technology evaluation and failing to set up the evaluation in a timely manner; 4. failed to adequately explain and interpret evaluation results to parents; 5. failed to consider individual needs in writing the IEP and determining ESY services; 6. failed to revise IEP to address lack of expected progress toward annual goals; 7. failed to revise IEP to consider information presented by parents; 8. failed to address concerns of parents, academic, developmental, and functional needs of (student); 9. failed to adequately consider 	Not wanted				

		<p>what related services (student) needs to benefit from special education;</p> <p>10. did not adequately consider recommendations from evaluations and observations from the Center for Disabilities;</p> <p>11. unilaterally changed the IEP concerning bus services and speech therapy sessions without sending a prior notice or having a meeting;</p> <p>12. failed to consider and implement positive behavioral interventions and support;</p> <p>13. failed to determine ESY services in time for parent to use administrative remedies in case of a dispute;</p> <p>14. scheduled ESY services based on district's schedule, not on his individual needs;</p> <p>15. did not allow parents to be equal partners in IEP team</p> <p>16. failed to address communication needs by not developing a communication system for (Student) at school and at home; and</p> <p>17. did not adequately consider recommendations from Autism Spectrum Disorder Program evaluations to determine measurable goals and related services.</p>					
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July 1, 2007 - June 30, 2008

Number of complaints received: 19

2007-2008 complaint log