

South Dakota Agency Comprehensive Plan

Free and Appropriate Public Education (FAPE) 34 C.F.R. §§ 300.101-300.108, 300.110; ARSD 24:05:13:02

The district/cooperative and all member schools/districts will make available to all children with disabilities residing in the district(s) between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school, as provided for in 300.530(d); 24:05:26 and 24:05:26.01, ARSD.

State monitoring -- Primary focus. ARSD 24:05:20:18.01. The department shall monitor the implementation of this article, enforce this article in accordance with §§ 24:05:20:23.03 and 24:05:20:23.04 and annually report on performance under this article. The primary focus of the department's monitoring activities shall be on:

- (1) Improving educational results and functional outcomes for all children with disabilities; and
- (2) Ensuring that public agencies meet the program requirements under Part B of the IDEA, with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities.

As a part of its responsibilities under this section, the department shall use quantifiable indicators and such qualitative indicators as are needed to adequately measure performance in the priority areas identified in § 24:05:20:18.02 and the indicators established by the U.S. Secretary of Education for the state performance plan.

The _____ Agency has formally adopted the following policies and procedures as their comprehensive plan for special education. The intent of this document is to identify the responsibilities of the district and the Agency.

CERTIFICATION- I certify that I have read and reviewed the above assurance and will comply with all provisions of applicable federal and state laws.

Signature of Authorized Official

Date

Typed Name and Title

Address/State/Zip

Telephone Number

*This page must be signed by the agency official listed above and returned to:

Department of Education Special Education Programs
800 Governor's Drive
Pierre, SD 57501

Section I.

Communication between the agency and district is vital to the success of the student. This includes communicating about meetings, evaluations, timelines, and etc. **Identify who will be responsible for this (title and position).**

Section II. Child Count

Child Count 34 C.F.R. §300.640; ARSD 24:05:17

- a. Child Count data is the collection of enrollment information for students with disabilities ages 3-21 that are receiving Special Education services. Accurate reporting ensures who is responsible for providing services to identified students. **If your agency reports child count data, explicitly state the procedures for reporting data in the state Student Information System.**

Section III. Timelines

Evaluation 34 C.F.R. §300.122; ARSD 24:05:25

Yearly Review and revision of individual educational programs 34 C.F.R. §300.324; ARSD 24:05:27:08

- a. Special Education has explicit timelines that need to be followed. Those timelines are associated with;
 - i. Annual Meetings
 - ii. Eligibility
 - iii. Evaluation – Initial and reevaluation**Explain how your agency will work with the district to ensure that these timelines are followed.**

Section IV. Individualized Education Program (IEP)

Development of the IEP 34 C.F.R. 300.112; ARSD 24:05:27

- a. Identify who will be responsible for writing the IEP. Some agencies have certified special education staff on-site and are capable of developing the IEP. **Explicitly state which entity will be the party to complete the IEP.**
- b. The agency works directly with the student and has the knowledge of the strengths and needs of the student. The district and the agency must work together to develop a comprehensive IEP based on the needs of the student. **Describe your process of collaborating with the district to provide input into the IEP.**
- c. Every student on an IEP will have annual goals. These goals are written to be measureable and progress documented. Each student's progress must be reported to the parent as specified in the IEP. **Describe whether the agency or district will be responsible for reporting the progress on the goals to the parent. If the agency will be responsible, designate how this task will be completed and who the progress will be shared with the parent/student/guardian/district/etc.**

- d. The IEP identifies the individual services that each student with a disability will receive. These services identified in the IEP documents the amount of service and frequency related but not limited to, special education services, related services, transition services, etc. **Describe who will be providing the services (the district or agency) and the process used to ensure that the services are given to the student as designated in the IEP.**

Section V. Evaluation

Completion of the evaluation 34 C.F.R. §300.122; ARSD 24:05:25

- a. Special education evaluations (initial or reevaluations) must be completed in a specific timeframe. For students of transition age, a transition evaluation must also take place. The district and the agency will determine who will be responsible for initiating the evaluation process. Communication between the agency and the district is significantly important to complete the evaluation. **Explicitly state which entity and the process that will be used to conduct the evaluations; to include the standardized, transition, and skill based.**

Section VI. IEP Team

IEP team meeting date 34 C.F.R. §300.23; ARSD 24:05:27:02

Parent Participation 34 C.F.R. §; ARSD 24:05:30:02.01

IEP team 34 C.F.R. §300.321; ARSD 24:05:27:01.01

Special Education has specific laws that govern the meetings. The IEP team is the key element in making informed decisions for the best interest of the student. Communication with the district about who will be conducting the meetings (annual, eligibility, amendment, etc.) is essential.

- a. Meeting Notice –Prior to a meeting, the notice will be sent out. Content of the meeting notice includes date, time, location, purpose, or agenda, attendees, and contact information.
- b. Conducting - **Please designate who will be conducting the meeting (district or agency).**
- c. Location - **Whether the meeting is initiated by the agency or district, describe how the parent, district, and agency will be involved.**
- d. Attendance - Special Education law requires, at a minimum, that the parents of the student, regular education teacher (if student is participating in the regular education environment), at least one special education provider, representative of the school district that can make decisions about the availability of resources of the district, the student (if appropriate), and transition service participants (if applicable). **Describe how the required attendees will be included if the meeting is being held at the agency.**

Section VII. Parental Prior Written Notice

Content of Notice 34 C.F.R. §300.503; ARSD 24:05:30:04, 24:05:30:05

- a. Meeting Notice -Parents of students with disabilities are to be included in all IEP team meetings. These meetings are at a mutually agreed upon time and place. Parents are to be informed early enough to ensure that they will have the opportunity to attend. As for the Parental Prior Written Notice, is completed and given to the parent after a meeting has been held. This notice is provided as a recap of what was discussed in the meeting and should include what the district proposes or refuses to initiate or change in the identification, evaluation, or educational placement of the child and should be given to the parents five days before this change. **Identify who will be responsible for the completion and delivery of these notices. (district or agency)**
- b. The timelines of the notices are important and need to be provided to the parents within those timelines. **Describe the process that will be used to ensure that the Notices are sent with adequate time.**

Section VIII. Discipline Procedures

Authority of School Personnel 34 C.F.R. §300.530; ARSD 24:05:26:02.03, 24:05:26:09.03

Change of Placement for disciplinary removals 34 C.F.R. §300.536: ARSD 24:05:26:02.01

- a. Students that are on an IEP may exhibit minor to extreme behavior issues. Existing behavior plans in the IEP may need to be addressed. Specific guidelines exist and need to be followed for the suspension and expulsion of students on an IEP. **Describe how behavior situations are handled at the agency and how the behavior will be communicated to the district.**

Section IX. State and District Wide Assessment Procedures

Participation in Assessments 34 C.F.R. §300.160; ARSD 24:05:14:14, ARSD 24:05:14:14.01

- a. Students are required to participate in state assessments at certain grade levels. Some accommodations stated on their IEP may be needed for participation in the assessment. **Identify the process for providing the state assessments to the appropriate students and describe how the accommodations are utilized.**

Section X. Procedural Safeguards

Availability of mediation 34 C.F.R. §300.506; ARSD 24:05:30:09

Filing of due process complaints 34 C.F.R. §300.507; 300.508, 300.509; ARSD 24:05:30:07.01

Resolution process 34 C.F.R. §300.510; ARSD 24:05:30:08.09-.12

Impartial due process hearing 34 C.F.R. §300.511; ARSD 24:05:30:09.04

Hearing rights 34 C.F.R. §300.514; ARSD 24:05:30:12

Hearing decisions 34 C.F.R. §300.513. 300.514, 300.515, 300.516, 300.517; ARSD 24:05:30:11

Status of child during due process proceedings 34 C.F.R. §300.518; ARSD 24:05:30:14

- a. **Identify the policies and procedures for addressing complaints and dispute resolutions.**

Section XI. File Maintenance

Confidentiality of Information 34 C.F.R. §300.123; ARSD 24:05:29, ARSD 24:05:21:05

Records regarding migratory children with disabilities 34 C.F.R. §300.213; ARSD 24:05:21:05

Destruction of information 34 C.F.R. §300.624; ARSD 24:05:29:15

- a. District policies and procedures on confidentiality of information. **Describe the agencies policies and procedures.**
- b. Items to be in the file at the agency
 - i. IEP (most current)
 - ii. Psychology Report (most current)
 - iii. Eligibility Document (most current)
 - iv. Notices (most current) Meeting Notice, Parental Prior Written Notice, Consent for Evaluation, etc...
*****If the agency is writing the IEP all required documentation**
- c. **Designate a staff person to be responsible for acquiring, sharing, and maintaining the documents.**
- d. The student files are confidential and need to be located in a locked cabinet. **Identify the location of the files.**
- e. Transfer of records. **Describe the agencies policies and procedures.**
- f. Destruction of information. **Describe the agencies policies and procedures.**