**South Dakota Comprehensive Plan/Program Narrative**

**Sec. 300.201 Consistency with State policies.**

The LEA, in providing for the education of children with disabilities within its jurisdiction, must have in effect policies, procedures, and programs that are consistent with the State policies and procedures, established under Secs. 300.101 through 300.163, and 300.165 through 300.174. (Authority: 20 U.S.C. 1413(a)(1))

**South Dakota Administrative Rule 24:05:21:01. Local education agency comprehensive plans- Contents.**

Each local education agency must have a current comprehensive plan approved by the school board on file with the district superintendent or designee. Documentation supporting the implementation of the local school district’s comprehensive plan shall be maintained by the district for review by Special Education Programs staff during onsite monitoring visits. Districts shall update comprehensive plans consistent with 24:05:21:01.02 and recertify their content annually.

The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_School District/Cooperative has formally adopted the following policies and procedures as the district’s comprehensive plan for special education. These policies and procedures were approved by the school board on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. As indicated by the signature below, the authorizing official acknowledges the district will meet all requirements of the Individuals with Disabilities Education Act and Article 24:05 through the implementation of these policies and procedures and furthermore, provides assurances that it meets each of the conditions in 34 CFR 300.201 through 300.213.

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

**South Dakota LEA Comprehensive Plan: Program Narrative**

**SECTION I: 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. Specific reference in the narrative to include:

* FAPE beginning at age 3; 300.101(b);ARSD24:05:13:02
* Children advancing from grade to grade; 300.101(c); ARSD24:05:13:02
* Limitations- age exceptions to FAPE; 300.102; ARSD 24:05:22:04.01
* FAPE- methods and payments; 300.103; ARSD 24:05:19:08
* Residential placement; 300.104; ARSD 24:05:19:08
* Assistive technology; 300.105; ARSD 24:05:27:20, ARSD 24:05:27:18, ARSD 24:05:27:19
* Extended school year services; 300.106; ARSD 24:05:25:26
* Nonacademic services; 300.107; ARSD 24:05:28:06
* Physical education; 300.108; ARSD 24:05:28:08
* Program options; 300.110; ARSD 24:05:28:04

District Narrative: (Review cited regulation to describe local implementation.)

* FAPE beginning at age 3; 300.101(b); ARSD 24:05:13:02

The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ School/School District/Cooperative will make a FAPE available to all students with disabilities who reside within the boundaries of the district between the ages of 3 and 21 years of age. This includes any student with a disability who has been suspended or expelled. All eligible preschool aged students will have FAPE made available to them by their third birthday, including those whose birthdays fall during the summer months.

* Children advancing from grade to grade; 300.101(c); ARSD 24:05:13:02

All eligible students with disabilities, regardless of whether they are advancing from grade to grade, will have FAPE available to them on an individualized basis as determined by the student’s IEP team on an annual basis. Exceptions to FAPE for students aged 3-21 includes those students who have graduated from high school with the regular high school diploma.

* Limitations- age exceptions to FAPE; 300.102; ARSD 24:05:22:04.01

(District input)

* FAPE- methods and payments; 300.103; ARSD 24:05:19:08

(District input)

* Residential placement; 300.104; ARSD 24:05:19:08

(District input)

* Assistive technology; 300.105; ARSD 24:05:27:18 ARSD 24:05:27:19

(District input)

* Extended school year services; 300.106; ARSD 24:05:25:26

District input)

* Nonacademic services; 300.107; ARSD 24:05:28:06

(District input)

* Physical education; 300.108; ARSD 24:05:28:08

(District input)

* Program options; 300.110; ARSD 24:05:28:04

(District input)

**SECTION II: Full educational opportunity goal (FEOG) 34 C.F.R. § 300.109; ARSD 24:05:22:04, ARSD 24:05:22:04.01**

The district/cooperative and all member schools/districts will have in effect policies and procedures, demonstrating that the district/cooperative has established a goal of providing full educational opportunity to all children with disabilities, aged birth through 21, and include a timetable for accomplishing that goal.

District Narrative: (Review cited regulation to describe local implementation.)

The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, consistent with the timetable established by the State of South Dakota and Part B of the Individuals with Disabilities Education Act (IDEA), has a goal of providing full educational opportunity to all children with disabilities, aged birth through twenty-one. The district will review data annually to guide decisions with regard to adjustments in its programs to ensure appropriate services to all students with disabilities.

**SECTION III: Child Find 34 C.F.R. § 300.111; Child Identification ARSD 24:05:22**

The district/cooperative and all member schools/districts must have in effect policies and procedures for ensuring that all children with disabilities who reside within the boundaries of the district/cooperative member districts, including those who are homeless children or are wards of the state, and children with disabilities who attend private schools, regardless of the severity of their disabilities, who are in need of special education and related services are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services. Specific reference in the narrative to include:

* Use of the term developmental delay; ARSD 24:05:24.01:09
* Children who may be suspected of having a disability, and in need of special education, even though they are advancing from grade to grade, 300.111(c)(1); ARSD 24:05:22:01
* Children who are highly mobile, including migrant children, 300.111(c)(2); ARSD 24:05:22:01

District Narrative: (Review cited regulation to describe local implementation.)

The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, has in effect policies and procedures to ensure that all children with disabilities who reside within the boundaries of the district/cooperative member districts and who may be in need of special education and related services are located, identified, and evaluated according to all relevant regulations. This includes those students who may be homeless or wards of the state, as well as children with disabilities who may attend private schools within the jurisdiction of the district. Child find includes our ongoing efforts to identify pre-school and school age students with disabilities through our referral and evaluation procedures, as well as our periodic screening of preschoolers who may be experiencing developmental delays.

* Use of the term developmental delay; ARSD 24:05:24.01:09

(District input)

* Children who may be suspected of having a disability, and in need of special education, even though they are advancing from grade to grade, 300.111(c)(1); ARSD 24:05:22:01

(District input)

* Children who are highly mobile, including migrant children, 300.111(c)(2).

(District input)

**SECTION IV: Individualized Education Program (IEP) 34 C.F.R. 300.112; ARSD 24:05:27**

The district/cooperative and all member schools/districts will ensure that an individualized education plan (IEP), or an individual family service plan (IFSP) that meets the requirements of section 636(d) of the Act, is developed, reviewed, and revised for each child with a disability in accordance with 34 C.F.R. §§ 300.320 – 300.324, except as provided in 300.300(b)(3)(ii). Specific reference must include:

* Content of the IEP; 300.320(a)(1-7); ARSD 24:05:27:01.03
* Transition services; 300.320(b); ARSD 24:05:27:13.02
* Transfer of rights at the age of majority; 300.320(c); ARSD 24:05:27:01.03
* The IEP team; 300.321; ARSD 24:05:27:01.01
* Parent participation in the IEP; 300.322; ARSD 24:05:25:16
* When the IEP must be in effect; 300.323; ARSD 24:05:25:22
* Development of the IEP; 300.324; ARSD 24:05:27:01.02
* Routine checking of hearing aids and external components of surgically implanted medical devices, 300.113; ARSD 24:05:27:05

District Narrative: (Review cited regulation to describe local implementation.)

The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ensures that each identified student with a disability has a current IEP in place that meets the requirements of Section 636(d) of the IDEA, and that has been developed in accordance with the requirements at 34 CFR sections 300.320 through 324. All identified students with disabilities in our district will have a current IEP in place at the beginning of the school year, and for eligible preschool students, by their third birthday. Each eligible student’s IEP will be reviewed periodically, but not less than annually, to review progress and determine whether annual goals are being met.

* Content of the IEP; 300.320(a)(1-7); ARSD 24:05:27:01.03

(District input)

* Transition services; 300.320(b); ARSD 24:05:27:13.02

(District input)

* Transfer of rights at the age of majority; 300.320(c); ARSD 24:05:27:01.03

(District input)

* The IEP team; 300.321; ARSD 24:05:27:01.01

(District input)

* Parent participation in the IEP; 300.322; ARSD 24:05:25:16

(District input)

* When the IEP must be in effect; 300.323; ARSD 24:05:25:22

(District input)

* Development of the IEP; 300.324; ARSD 24:05:27:01.02

(District input)

* Routine checking of hearing aids and external components of surgically implanted medical devices, 300.113; ARSD 24:05:27:05

(District input)

**SECTION V: Least Restrictive Environment (LRE), 34 C.F.R. §§ 300.114 – 300.120; ARSD 24:05:28**

The district/cooperative and all member schools/districts will ensure that, to the maximum extent appropriate, children with disabilities, including those in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature and severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. Specific reference must include:

* A continuum of alternative placements; 300-115; ARSD 24:05:28:02
* Placements; 300.116; ARSD 24:05:28:03
* Non-academic settings, 300.117; ARSD 24:05:28:06
* Children in public or private institutions; 300.118; ARSD 24:05:28:07
* Teachers and administrators are provided with technical assistance and training; 300.119; ARSD 24:05:28:11
* Monitors placements, 300.120; ARSD 24:05:28:12

District Narrative: (Review cited regulation to describe local implementation.)

The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ensures the availability of a continuum of alternative placements to provide each student with a disability the opportunity for education in the Least Restrictive Environment. Any removal of a student with a disability from the regular education environment may occur only when the nature and severity of the child’s needs dictate that education in regular classes, with the use of supplementary aids and services cannot be achieved satisfactorily.

* A continuum of alternative placements; 300-115; ARSD 24:05:28:02

(District input)

* Placements; 300.116; ARSD 24:05:28:03

(District input)

* Non-academic settings, 300.117; ARSD 24:05:28:06

(District input)

* Children in public or private institutions; 300.118; ARSD 24:05:28:07

(District input)

* Teachers and administrators are provided with technical assistance and training; 300.119; ARSD 24:05:28:11

(District input)

* Monitors placements, 300.120; ARSD 24:05:28:12

(District input)

**SECTION VI: Procedural Safeguards, 34 C.F.R. § 300.121; ARSD 24:05:30**

The district/cooperative and all member schools/districts will ensure that all children with disabilities and their parents are afforded procedural safeguards required by 34 C.F.R. §§300.500 through 300.536, and consistent with South Dakota Administrative Rule. Specific reference must include:

* Opportunity to examine records; parent participation in meetings; 300.501(a)(b)(c); ARSD 24:05:30:02
* Independent educational evaluations; 300.502; ARSD 24:05:30:03
* Prior written notice; content of notice; 300.503; ARSD 24:05:30:04
* Procedural safeguards notice; 300.504; ARSD 24:05:30:06.01, ARSD 24:05:30:06.02
* Use of electronic mail; 300.505; ARSD 24:05:30:06.03
* Availability of mediation; 300.506; ARSD 24:05:30:09
* Filing of due process complaints; 300.507; 300.508; 300.509; ARSD 24:05:30:07.01
* Resolution process; 300.510; ARSD 24:05:30:08.09-.12
* Impartial due process hearing; 300.511; ARSD 24:05:30:09.04
* Hearing rights; 300.512; ARSD 24:05:30:12
* Hearing decisions; 300.513; 300.514; 300.515; 300.516; 300.517; ARSD 24:05:30:11
* Status of child during due process proceedings; 300.518; 24:05:30:14 ARSD.
* Surrogate parents; children who are wards of the state; homeless youth; 300.519; ARSD 24:05:30:15
* Transfer of rights at age of majority; 300.520; ARSD 24:05:30:16.01
* Discipline procedures and manifestation determination; 300.530; ARSD 24:05:26:09.03
* Determination of setting; 300.531; ARSD 24:05:26:09.2
* Right of appeal of the determination of setting; 300.532; ARSD 24:05:26:09.05
* Placement during appeals; 300.533; ARSD 24:05:26:09.06
* Protections for children not determined eligible for special education and related services; 300.534; ARSD 24:05:26:14
* Referral to action by law enforcement and judicial authorities; 300.535; ARSD 24:05:26:15
* Change of placement due to disciplinary removals; 300.536; ARSD 24:05:26:02.01

District Narrative: (Review cited regulation to describe local implementation.)

The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ensures that all children with disabilities and their parents are afforded the required procedural safeguards of 34 CFR 300.500 through 300.356 as outlined in the *South Dakota Parental Rights and Procedural Safeguards* document.

The district will provide a copy of the procedural safeguards document to the parents of an eligible child with a disability at least one time each year, in addition to the following:

* Upon initial referral or parent request for an evaluation;
* Upon request by the parent;
* In accordance with discipline procedures outline in the procedural safeguards document;
* Upon receipt of the first state complaint or first due process complaint in a given school year.

The district posts a copy of the procedural safeguards document on its website in both English and Spanish to afford access to the public.

* Opportunity to examine records; parent participation in meetings; 300.501(a)(b)(c); ARSD 24:05:30:02

(District input)

* Independent educational evaluations; 300.502; ARSD 24:05:30:03

(District input)

* Prior written notice; content of notice; 300.503; ARSD 24:05:30:04

(District input)

* Procedural safeguards notice; 300.504; ARSD 24:05:30:06.01; ARSD 24:05:30:06.02

(District input)

* Use of electronic mail; 300.505; ARSD 24:05:30:06.03

(District input)

* Availability of mediation; 300.506; ARSD 24:05:30:09

(District input)

* Filing of due process complaints; 300.507; 300.508; 300.509; ARSD 24:05:30:07.01

(District input)

* Resolution process; 300.510; ARSD 24:05:30:08.09-.12

(District input)

* Impartial due process hearing; 300.511; ARSD 24:05:30:09.04

(District input)

* Hearing rights; 300.512; ARSD 24:05:30:12

(District input)

* Hearing decisions; 300.513; 300.514; 300.515; 300.516; 300.517; ARSD 24:05:30:11

(District input)

* Status of child during due process proceedings; 300.518; ARSD 24:05:30:14

(District input)

* Surrogate parents; children who are wards of the state; homeless youth; 300.519; ARSD 24:05:30:15

(District input)

* Transfer of rights at age of majority; 300.520; ARSD 24:05:30:16.01

(District input)

* Discipline procedures and manifestation determination; 300.530; ARSD 24:05:26:09.03

(District input)

* Determination of setting; 300.531; ARSD 24:05:26:09.2

(District input)

* Right of appeal of the determination of setting; 300.532; ARSD 24:05:26:09.05

(District input)

* Placement during appeals; 300.533; ARSD 24:05:26:09.06

(District input)

* Protections for children not determined eligible for special education and related services; 300.534; ARSD 24:05:26:14

(District input)

* Referral to action by law enforcement and judicial authorities; 300.535; ARSD 24:05:26:15

(District input)

* Change of placement due to disciplinary removals; 300.536; ARSD 24:05:26:02.01

(District input)

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

The district/cooperative and all member schools/districts will ensure that all children with disabilities are evaluated in accordance with 34 C.F.R. §§300.300 through 300.311. Specific references must include:

* Parental consent (for initial evaluation, services, and re-evaluations; 300.300; ARSD 24:05:25:02.01, ARSD 24:05:25:06.01
* Initial evaluations; 300.301; ARSD 24:05:25:03
* Screening for instructional purposes; 300.302; ARSD 24:05:25:03.03
* Re-evaluations; 300.303; ARSD 24:05:25:06
* Evaluation procedures; 300.304; 300.305; ARSD 24:05:25:04
* Determining eligibility; 300.306; ARSD 24:05:25:04.03
* Specific learning disabilities; 300.307 through 300.311; ARSD 24:05:25:07, ARSD 24:05:25:08, ARSD 24:05:25:11, ARSD 24:05:25:12

District Narrative: (Review cited regulation to describe local implementation.)

The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ensures that all children with disabilities are evaluated in accordance with the following regulatory provisions:

* Parental consent (for initial evaluation, services, and re-evaluations; 300.300; ARSD 24:05:25:02.01, ARSD 24:05:25:06.01 ARSD.

(District input)

* Initial evaluations; (Preplacement evaluations, ARSD 24:05:25:03)

(District input)

* Screening for instructional purposes; 300.302; ARSD 24:05:25:03.03

(District input)

* Re-evaluations; 300.303; ARSD 24:05:25:06

(District input)

* Evaluation procedures; 300.304; 300.305; ARSD 24:05:25:04

(District input)

* Determining eligibility; 300.306; ARSD 24:05:25:04.03

(District input)

* Specific learning disabilities; 300.307 through 300.311; ARSD 24:05:25:07, ARSD 24:05:25:08, ARSD 24:05:25:11, ARSD 24:05:25:12

(District input)

**SECTION VIII: Confidentiality 34 C.F.R. 300.123; ARSD 24:05:29, ARSD 24:05:21:05**

The district/cooperative and all member schools/districts will ensure compliance with all regulations regarding the confidentiality of records and information, as noted in 34 C.F.R. §§300.610 through 300.626. Specific references must include:

* Notice requirements to parents; 300.612; ARSD 24:05:29:18
* Access rights; 300.613; ARSD 24:05:29:04
* Record of access; 300.614; ARSD 24:05:29:05
* Records on more than one child; 300.615; ARSD 24:05:29:06
* List of types and locations of information; 300.616; ARSD 24:05:29:07
* Fees for copies of records; 300.617; ARSD 24:05:29:08
* Amendments to records at parent’s request; 300.618; ARSD 24:05:29:09
* Opportunity for a hearing; 300.619; ARSD 24:05:29:10
* Result of hearing and hearing procedures; 300.620-621; ARSD 24:05:29:12
* Parental consent for the release of records; 300.622; ARSD 24:05:29:13
* Safeguarding of records; 300.623: ARSD 24:05:29:14
* Destruction of information; 300.624; ARSD 24:05:29:15
* Children’s rights; transfer at the age of majority; 300.625; ARSD 24:05:29:16
* Enforcement; policies and procedures; 300.626; ARSD 24:05:29:17
* Transfer of records for migratory children with disabilities; 300.213; ARSD 24:05:21:05

District Narrative: (Review cited regulation to describe local implementation.)

The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ensures the compliance with all regulations regarding the confidentiality of personally identifiable information and all records according to 34 CFR 300.610 through 300.626.

* Notice requirements to parents; 300.612; ARSD 24:05:29:18

(District input)

* Access rights; 300.613; ARSD 24:05:29:04

(District input)

* Record of access; 300.614; ARSD 24:05:29:05

(District input)

* Records on more than one child; 300.615; ARSD 24:05:29:06

(District input)

* List of types and locations of information; 300.616; ARSD 24:05:29:07

(District input)

* Fees for copies of records; 300.617; ARSD 24:05:29:08

(District input)

* Amendments to records at parent’s request; 300.618; ARSD 24:05:29:09

(District input)

* Opportunity for a hearing; 300.619; ARSD 24:05:29:10

(District input)

* Result of hearing and hearing procedures; 300.620-621; ARSD 24:05:29:12

(District input)

* Parental consent for the release of records; 300.622; ARSD 24:05:29:13

(District input)

* Safeguarding of records; 300.623; ARSD 24:05:29:14

(District input)

* Destruction of information; 300.624; ARSD 24:05:29:15

(District input)

* Children’s rights; transfer at the age of majority; 300.625; ARSD 24:05:29:16

(District input)

* Enforcement; policies and procedures; 300.626; ARSD 24:05:29:17

(District input)

* Transfer of records for migratory children with disabilities; 300.213; ARSD 24:05:21:05

(District input)

**SECTION IX: Transition from Part C to Part 34 C.F.R. § 300.124; ARSD 24:05:27:21**

The district/cooperative and all member schools/districts will ensure that children participating in early intervention programs assisted under Part C, and who will participate in preschool programs assisted under Part B, experience a smooth and effective transition to those preschool programs. By the third birthday of such a child, an individualized education program (IEP) or, if consistent with 34 C.F.R. § 300.323(b), in individualized family service plan (IFSP), has been developed and is being implemented for the child. The local education agency (LEA) will participate in transition planning conferences arranged by the designated lead agency.

District Narrative: (Review cited regulation to describe local implementation.)

The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ensures that children participating in early intervention programs under Part C, and who will participate in preschool programs under Part B experience a smooth and effective transition to district preschool programs. Further, each eligible child with a disability will have in place at the time of their third birthday, an appropriate IEP or IFSP for the provision of special education and related services has been developed and implemented. The district participates in transition planning conferences as coordinated by the local Part C agency.

(District input)

**SECTION X: Private School Placements; 34 C.F.R. §§ 300.129 – 300.148; 24:05:31, ARSD 24:05:32**

The district/cooperative and all member schools/districts will ensure that all responsibilities to children placed in private schools within the jurisdiction of the LEA are met. Consistent with the number and location of children with disabilities within the jurisdiction of the district/cooperative, such students enrolled in private elementary and secondary schools will have provisions made for the participation in programs assisted or carried out under Part B for the purpose of providing special education and related services. Specific references must include:

* Definition of parentally-placed private school children; 300.130; ARSD 24:05:32:01
* Child find for parentally-placed private school children with disabilities; 300.131; ARSD 24:05:32:01.01
* Provision of services for parentally-placed private school children with disabilities; 300.132; ARSD 24:05:32:03.01, ARSD.
* Expenditures for parentally-placed private school children with disabilities; 300.133; ARSD 24:05:32:01:02
* Consultation process with private schools attended by children with disabilities; 300.134; ARSD 24:05:32:01:05
* Written affirmation by private school officials of meaningful consultation; 300.135; ARSD 24:05:32:01.06
* Compliance; rights of private school officials to submit a state complaint; 300.136; ARSD 24:05:32:01.07
* Determination of equitable services for parentally-placed private school students with disabilities; 300.137; ARSD 24:05:32:03.02,
* Provision of equitable services for parentally-placed private school students with disabilities; 300.138; ARSD 24:05:32:03.02
* Location of services and transportation; 300.139; ARSD 24:05:32:03.03
* Due process complaints and state level complaints; 300.140; ARSD 24:05:32:03.04
* Requirements that funds not benefit a private school; 300.141; ARSD 24:05:32:12
* Use of personnel for the provision of services to parentally-placed private school students with disabilities; 300.142; ARSD 24:05:32:13
* Prohibition on separate classes; 300.143; ARSD 24:05:32:11
* Property, equipment, and supplies used to provide special education and related services to parentally-placed private school students with disabilities; 300.144; ARSD 24:05:32:15, ARSD 24:05:32:16
* Children with disabilities in private schools placed or referred by public agencies; 300.145 – 300.147; ARSD 24:05:34:02
* Placement of children with disabilities by their parents in private schools when FAPE is an issue; 300.148; ARSD 24:05:31:01-07

District Narrative: (Review cited regulation to describe local implementation.)

The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ensures compliance with 34 CFR 300.129 through 300.148, governing private school placements within the boundaries of the district, Through consultation with private school representatives, the district ensures that it will locate, identify and evaluate all children with disabilities who are enrolled by their parents in a private school within the district’s boundaries. For all eligible students with disabilities enrolled in private schools by their parents, a service plan will be developed in accordance with 300.132, and records maintained documenting the number of students evaluated and served in these settings.

* Definition of parentally-placed private school children; 300.130; ARSD 24:05:32:01

(District input)

* Child find for parentally-placed private school children with disabilities; 300.131; ARSD 24:05:32:01.01

(District input)

* Provision of services for parentally-placed private school children with disabilities; 300.132; ARSD 24:05:32:03.01

(District input)

* Expenditures for parentally-placed private school children with disabilities; 300.133; ARSD 24:05:32:01:02

(District input)

* Consultation process with private schools attended by children with disabilities; 300.134; ARSD 24:05:32:01:05

(District input)

* Written affirmation by private school officials of meaningful consultation; 300.135; ARSD 24:05:32:01.06

(District input)

* Compliance; rights of private school officials to submit a state complaint; 300.136; ARSD 24:05:32:01.07

(District input)

* Determination of equitable services for parentally-placed private school students with disabilities; 300.137; ARSD 24:05:32:03.02

(District input)

* Provision of equitable services for parentally-placed private school students with disabilities; 300.138; ARSD 24:05:32:03.02

(District input)

* Location of services and transportation; 300.139; ARSD 24:05:32:03.03

(District input)

* Due process complaints and state level complaints; 300.140; ARSD 24:05:32:03.04

(District input)

* Requirements that funds not benefit a private school; 300.141; ARSD 24:05:32:12

(District input)

* Use of personnel for the provision of services to parentally-placed private school students with disabilities; 300.142; ARSD 24:05:32:13

(District input)

* Prohibition on separate classes; 300.143; ARSD 24:05:32:11

(District input)

* Property, equipment, and supplies used to provide special education and related services to parentally-placed private school students with disabilities; 300.144; ARSD 24:05:32:15, ARSD 24:05:32:16

(District input)

* Children with disabilities in private schools placed or referred by public agencies; 300.145 – 300.147; ARSD 24:05:34:02

(District input)

* Placement of children with disabilities by their parents in private schools when FAPE is an issue; 300.148; ARSD 24:05:31:01-07

(District input)

**SECTION XI: Compliance with SEA General Supervision Requirements and Implementation of Procedural Safeguards; 34 C.F.R. §§ 300.149 – 300.150; ARSD 24:05:30:01, ARSD 24:05:20:18; State Complaint Procedures; 34 C.F.R. §§ 300.151 – 300.153; ARSD 24:05:15**

The district/cooperative and all member schools/districts will ensure compliance with all SEA procedures under general supervision and that programs meet the standards of the SEA. Specific references must include:

* Responsibility for general supervision and procedural safeguards; 300.149-150;ARSD 24:05:20:18; ARSD 24:05:30:01
* State complaint procedures; 300.151-153; ARSD 24:05:15

District Narrative: Review cited regulation to describe local implementation.)

The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ will comply with any and all requests for information from the South Dakota Department of Education, Special Programs Office related to its obligation to provide general supervision over LEAs in the state. This includes any and all requests for information or data related to monitoring and compliance with regulations as established by the SEA.

* Responsibility for general supervision and procedural safeguards; 300.149-150; ARSD 24:05:30:01

(District input)

* State complaint procedures; 300.151-153; ARSD 24:05:15

(District input)

**SECTION XII: FAPE Methods of Ensuring Services 34 C.F.R. § 300.154; ARSD 24:05:14:01.03, ARSD 24:05:14:01.06**

The district/cooperative and all member schools/districts will ensure that public and/or private benefits available to a student with a disability are used appropriately, and that parents incur no cost in the provision of those services necessary for FAPE. Specific references must include:

* Restrictions and requirements on accessing public benefits (Medicaid); 300.154(d); ARSD 24:05:14:01.03
* Restrictions and requirements on accessing private benefits; 300.154(e);ARSD 24:05:14:01.03
* Use of Part B funds for services when parent consent is unable to be obtained; 300.154(f); ARSD 24:05:14:01.06

District Narrative: (Review cited regulation to describe local implementation.)

The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ensures that public and private benefits available to a student with a disability will be used appropriately to support the provision of FAPE at no cost or harm to the parents.

* Restrictions and requirements on accessing public benefits (Medicaid); 300.154(d); ARSD 24:05:14:01.03

(District input)

* Restrictions and requirements on accessing private benefits; 300.154(e); ARSD 24:05:14:01.03

(District input)

* Use of Part B funds for services when parent consent is unable to be obtained; 300.154(f); ARSD 24:05:14:01.06

(District input)

**SECTION XIII: Hearings Related to LEA Eligibility 34C.F.R. § 300.155; ARSD 24:05:2023:01**

The district/cooperative and all member schools/districts understand their right to a hearing regarding any final determination of the SEA on eligibility for funding under Part B.

District Narrative: (Review cited regulation to describe local implementation.)

The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ understands it has a right to a hearing before the SEA makes any final determination regarding eligibility for funding under Part B.

**SECTION XIV: Personnel Qualifications 34 C.F.R. § 300.156; ARSD 24:05:16:16 & ARSD 24:05:16:01**

The district/cooperative and all member schools/districts will ensure that personnel necessary to carry out the provision of special education and related services are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities, including related service personnel and paraprofessionals. Each district/cooperative will take measurable steps to recruit, hire, train, and retain highly qualified personnel to provide special education and related services to children with disabilities (24:05:16:05, ARSD).

District Narrative: (Review cited regulation to describe local implementation.)

The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ensure that only appropriately certified and/or licensed professionals will be employed to provide services to students with disabilities. In addition, the district will provide ongoing training to all staff and paraprofessionals to assist all in the provision of services to students with disabilities. Further, the district ensures that each special education teacher at the elementary, middle, and high school level is highly-qualified per the standards of the ESEA. The district will take steps to recruit, hire, train and retain highly qualified personnel as specified under SD administrative rule.

* Personnel qualifications; ARSD 24:05:16:16

(District input)

* Paraprofessionals and assistants; ARSD 24:0516:16:01

(District input)

**SECTION XV: Performance Goals and Indicators 34 C.F.R. § 300.157; ARSD 24:05:14:13**

The district/cooperative and all member schools/districts will ensure the implementation of state established performance goals and indicators for students with disabilities within their jurisdiction. Specific reference must include:

* Student information management system (SIMS)

District Narrative: (Review cited regulation to describe local implementation.)

The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ will comply with all requests by the SEA for data submission that is instrumental in monitoring the performance of the student population with respect to state established performance goals and indicators, and will submit such data on a timely basis.

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

The district/cooperative and all member schools/districts will ensure that all children with disabilities are included in all general State and districtwide assessment programs, including those assessments described under section 1111 of the Elementary and Secondary Education Act (ESEA), with appropriate accommodations and alternate assessments where necessary, and as indicated in their respective individual education programs (IEP).

District Narrative: (Review cited regulation to describe local implementation.)

The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ensures that all students with disabilities will be included in state and district assessments, with appropriate accommodations and alternate assessments when necessary. Parents will be informed of their child’s participation during the course of the IEP meeting, including any necessary accommodations or any assessment that will be based on alternate or modified achievement standards.

The district will provide all necessary data to the SEA on the participation of students with disabilities in state and district wide testing programs and will, to the extent possible, utilize universal design principles in the development and administration of any assessments.

**SECTION XVII: Supplementation of State, local, and other Federal Funds 34 C.F.R. §§ 300.162-163; ARSD 24:05:19:0**

The district/cooperative and all member schools/districts will ensure the appropriate use of funds under Part B, consistent with 34 C.F.R. § 300.202(a)(1)(2)(3), to pay for the excess costs of providing special education and related services to children with disabilities within their jurisdiction and that such funds will be used to supplement state, local, and Federal funds, not supplant those funds.

* Maintenance of effort; 300.163; ARSD 24:05:19:08.03

District Narrative: (Review cited regulation to describe local implementation.)

The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ensures appropriate use of funds under Part B to pay for the excess costs of providing special education and related services to children with disabilities. Available funding will be used to supplement state, local, and federal funds, and not supplant those funds.

**SECTION XVIII: Public Information 34 C.F.R. § 300.165; ARSD 24:05:20:02**

The district/cooperative and all member schools/districts will ensure that prior to the adoption of any policies necessary to comply with the requirements under Part B, including any amendments to policies and procedures, there will be public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of individuals with disabilities. The district/cooperative will make available to parents of children with disabilities and the general public all documents relating to the district/cooperative eligibility under Part B of the IDEA.

District Narrative: (Review cited regulation to describe local implementation.)

The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ensures that prior to the adoption of any policies or procedures that are needed to comply with Part B regulations, that there will be an opportunity for public input at a hearing with adequate notice of the hearing and the opportunity to provide input.

The annual submission of the Part B application will be preceded by adequate notice of a public hearing as part of the school board agenda, with an opportunity for public comment. All Part B applications are available to the public at their request through the district office and are available on the district’s website.

**SECTION XIX: State Advisory Panel 34 C.F.R. § 300.167-169; ARSD 24:05:14:18-19**

The district/cooperative and all member schools/districts support the work of the State Advisory Panel to provide policy guidance to the SEA with respect to special education and related services for children with disabilities.

District Narrative: (Review cited regulation to describe local implementation.)

The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ supports the work of the State Special Education Advisory Panel and will refer interested parents to the appropriate state contact if they are interested in serving on the panel.

**SECTION XX: Other Required Provisions 34 C.F.R. § 300.170 through 300.174.**

The district/cooperative and all member schools/districts will ensure the following specific provisions have consistent policies for implementation at the local level. Specific references must include:

* Suspension and expulsion rates; 300.170; ARSD 24:05:14:16
* Annual description of Part B funds; 300.171; ARSD 24:05:21:03
* Access to instructional materials (NIMAC); 300.172; ARSD 24:05:14:17
* Over-identification and disproportionality; 300.173; ARSD 24:05:17:10
* Prohibition on mandatory medication; 300.174; ARSD 24:05:14:21

District Narrative:

The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ensures that the specific provisions of 300.170 through 300.173 and 24:05:21:04, ARSD have been implemented at the district level, consistent with state policy.

* Suspension and expulsion rates; 300.170; ARSD 24:05:14:16

(District input)

* Annual description of Part B funds; 300.171; ARSD 24:05:21:03

(District input)

* Access to instructional materials (NIMAC); 300.172; ARSD 24:05:14:17

(District input)

* Over-identification and disproportionality; 300.173; ARSD 24:05:17:10

(District input)