

**DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Dell Rapids School District
Accountability Review - Monitoring Report 2022-2023**

Date(s) of Review: October 3, 2022

Date of Report Sent to District: November 7, 2022

All non-compliance must be corrected within 1 year of this report date.

Date Closed: September 12, 2023

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Division of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
- (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
- (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

Administrative Rules of South Dakota (ARSD) are located at <https://sdlegislature.gov/Rules/Administrative/14003>

The district had the following ARSDs identified for non-compliance:

<p>24:05:27:01.03</p>	<p>24:05:27:01.03. Content of individualized education program. Each student's individualized education program shall include:</p> <ol style="list-style-type: none"> (1) A statement of the student's present levels of academic achievement and functional performance, including: <ol style="list-style-type: none"> (a) How the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students); or (b) For preschool student, as appropriate, how the disability affects the student's participation in appropriate activities; (2) A statement of measurable annual goals, including academic and functional goals, designed to: <ol style="list-style-type: none"> (a) Meet the student's needs that result from the student's disability to enable the student to be involved in and progress in the general education curriculum; and (b) Meet each of the student's other educational needs that result from the student's disability; <p>For students with disabilities who take alternate assessments aligned to alternate achievement standards, each student's IEP shall provide a description of benchmarks or short-term objectives;</p> (3) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student: <ol style="list-style-type: none"> (a) To advance appropriately toward attaining the annual goals; (b) To be involved and make progress in the general education curriculum in accordance with this section and to participate in extracurricular and other nonacademic activities; and (c) To be educated and participate with other students with disabilities and nondisabled students in the activities described in this section; (4) An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in activities described in this section;
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	<p>(5) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on state and district-wide assessments consistent with § 24:05:14:14. If the IEP team determines that the student shall take an alternate assessment instead of a particular regular state or district-wide assessment of student achievement, a statement of why:</p> <ul style="list-style-type: none"> (a) The student cannot participate in the regular assessment; and (b) The particular alternate assessment selected is appropriate for the student; <p>(6) The projected date for the beginning of the services and modification described in this section and the anticipated frequency, location, and duration of those services and modifications;</p> <p>(7) A description of how the student's progress toward the annual goals described in this section will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;</p> <p>(8) Beginning not later than the first IEP to be in effect when the student turns 16, or younger if determined appropriate by the IEP team, and updated annually thereafter, the IEP shall include:</p> <ul style="list-style-type: none"> (a) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills; and (b) The transition services (including courses of study) needed to assist the student in reaching those goals; and
<p>24:05:30:04</p>	<p>Prior notice. Written notice which meets the requirements of § 24:05:30:05 must be given to the parents five days before the district proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child. The five-day notice requirement may be waived by the parents.</p>
<p>24:05:27:01.02</p>	<p>Development, review, and revision of individualized education program. In developing, reviewing, and revising each student's individualized education program, the team shall consider the strengths of the student and the concerns of the parents for enhancing the education of their student, the results of the initial or most recent evaluation of the student, the academic, developmental, and functional needs of the student. The individualized education program team also shall:</p> <ul style="list-style-type: none"> (1) In the case of a student whose behavior impedes his or her learning or that of others, consider the use of positive behavioral interventions and supports and other strategies to address that behavior; (2) In the case of a student with limited English proficiency, consider the language needs of the student as these needs relate to the student's individualized education program; (3) In the case of a student who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the team determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student; (4) Consider the communication needs of the student and, in the case of a student who is deaf or hard of hearing, consider the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the

	<p>student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode; and</p> <p>(5) Consider whether the student requires assistive technology devices and services.</p> <p>The regular education teacher of a student with a disability, as a member of the individualized education program team, must, to the extent appropriate, participate in the development, review, and revision of the student's individualized education program, including the determination of appropriate positive behavioral interventions and supports and other strategies for the student and the determination of supplementary aids and services, program modifications, and supports for school personnel that will be provided for the student consistent with subdivision 24:05:27:01.03(3).</p> <p>Nothing in this section requires the team to include information under one component of a student's individualized education program that is already contained under another component of the student's individualized education program. No additional information may be required to be included in a student's IEP beyond what is explicitly required in this section.</p>
<p>24:05:28:02</p>	<p>Continuum of alternative placements. Alternative placements which must be made available include the following:</p> <ol style="list-style-type: none"> (1) Regular educational programs with modification; (2) Resource rooms; (3) Self-contained programs; (4) Separate day school programs; (5) Residential school programs; (6) Home and hospital programs; and (7) Other settings. <p>For each of the programs listed in this section, the IEP team shall determine the extent to which related services are required in order for the child to benefit from the program. The length of the school day must be equal in duration to that of a regular public school day unless an adjusted school day is required to meet the individual needs of the child. The IEP team shall provide for supplementary services, such as resource room or itinerant instruction, to be provided in conjunction with regular class placement, as applicable.</p> <p>In those cases where placement is made in a separate day school program or residential school program, the district may abide by the school term of the facility in which the child is placed based on the individual needs of the child.</p>
<p>24:05:28:03</p>	<p>Factors in determining placements. Each school district shall establish and implement procedures which ensure that the following factors are addressed in determining placements:</p> <ol style="list-style-type: none"> (1) Each child's educational placement must be individually determined at least annually and must be based on the child's individual education program; (2) Provisions are made for appropriate classroom or alternative settings necessary to implement a child's individual education program; (3) Unless a child's IEP requires some other arrangement, the child shall be educated in the school which that child would normally attend if not disabled. Other placement shall be as close as possible to the child's home;

	<p>(4) Placement in the least restrictive environment will not produce a harmful effect on the child or reduce the quality of services which that child needs; and</p> <p>(5) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.</p>
<p>24:05:25:04.02</p>	<p>Determination of needed evaluation data. As part of an initial evaluation, if appropriate, and as part of any reevaluation, the individual education program team required by § 24:05:27:01.01 and other qualified professionals as appropriate with knowledge and skills necessary to interpret evaluation data, shall:</p> <p>(1) Review existing evaluation data on the child, including:</p> <ul style="list-style-type: none"> (a) Evaluations and information provided by the parents of the child; (b) Current classroom-based local or state assessments and observations; and (c) Observations by teachers and related services providers; and <p>(2) Based on the above review and input from the student's parents, identify what additional data, if any, are needed to determine:</p> <ul style="list-style-type: none"> (a) Whether the student has a particular category of disability as described in this article; (b) The present levels of academic achievement and related developmental needs of the student; and (c) Whether the student needs special education and related services. <p>The school district shall administer assessments and any other evaluation materials as may be needed to produce the data required to make the determinations listed in subdivision (2) of this section. If no additional data are needed to make the determinations listed in subdivision (2) of this section, the school district shall notify the student's parents of this fact and the reasons for this decision. The group described in this section may conduct its review without a meeting.</p>
<p>24:05:25:03.04.</p>	<p>Evaluation procedures -- Notice. The school district shall provide notice to the parents of a child with a disability, in accordance with this article, that describes any evaluation procedures the district proposes to conduct.</p>
<p>24:05:30:02.01</p>	<p>Parent participation in meetings. The parents of a child with a disability must be afforded an opportunity to participate in meetings with respect to the identification, evaluation, and educational placement of the child and the provision of a free appropriate public education to the child. Each school district shall provide notice consistent with § 24:05:25:16 to ensure that parents of eligible students be given the opportunity to participate in the meetings described in this article. If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the district shall use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing. A placement decision may be made by a group without parental involvement, if the district is unable to obtain the parent's participation in the decision. The district must have a record of its attempts to ensure parental involvement.</p>

24:05:25:04

Evaluation procedures -- General. School districts shall ensure, at a minimum, that evaluation procedures include the following:

- (1) Assessments and other evaluation materials are provided and administered in the child's native language or by another mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer. In addition, assessments and other evaluation materials:
 - (a) Are used for the purposes for which the assessments or measures are valid and reliable; and
 - (b) Are administered by trained and knowledgeable personnel in conformance with the instructions provided by their producer;
- (2) Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient;
- (3) Assessments are selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment accurately reflects the child's aptitude or achievement level or whatever other factors the assessment purports to measure, rather than the child's impaired sensory, manual, or speaking skills except where those skills are the factors which the assessment purports to measure;
- (4) No single measure or assessment is used as the sole criterion for determining eligibility or an appropriate educational program for a child;
- (5) A variety of assessment tools and strategies are used to gather relevant functional, developmental, and academic information about the child, including information provided by the parents, that may assist in determining:
 - (a) Whether the child is a child with a disability; and
 - (b) The content of the child's IEP, including information related to enabling the child:
 - (i) To be involved in and progress in the general education curriculum; or
 - (ii) For a preschool child, to participate in appropriate activities;
- (6) Technically sound instruments, assessment tools, and strategies are used that:
 - (a) May assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors; and
 - (b) Provide relevant information that directly assists persons in determining the educational needs of the child;
- (7) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities; and
- (8) The evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.

Assessments of children with disabilities who transfer from one school district to another school district in the same school year are coordinated with those children's prior and subsequent schools, as necessary and as expeditiously as possible, consistent with § 24:05:25:03.01, to ensure prompt completion of full evaluations.