

**DEPARTMENT OF EDUCATION  
SPECIAL EDUCATION PROGRAMS  
Spearfish School District  
Accountability Review - Monitoring Report 2018-2019**

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**Team Members: Joan Ray, Kylie Steever, Anneke Nelson, Val Johnson, Lisa Reinhiller – Education Specialists, Dave Halverson – Transition Liaison**

**Dates of On Site Visit:** October 23 – October 25, 2018

**Date of Report Sent to District:** November 16, 2018

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

**Date Closed:** May 13, 2019

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**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.)
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**State enforcement -- Determinations.**

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Division of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

**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.)

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**GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

**24:05:25:03.04. 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.

**24:05:25:04.02. 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:

- (1) Review existing evaluation data on the child, including:
  - (a) Evaluations and information provided by the parents of the child;

**24:05:25:06. Reevaluations.** A school district shall ensure that a reevaluation of each child with a disability is conducted in accordance with this chapter if the school district determines that the educational or related service needs, including improved academic achievement and functional performance, of the child warrant a reevaluation or if the child's parents or teacher requests a reevaluation.

A reevaluation conducted under this section may occur not more than once a year, unless the parent and district agree otherwise, and must occur at least once every three years, unless the parent and the district agree that a reevaluation is unnecessary.

Reevaluations must be completed within 25 school days after receipt by the district of signed consent to reevaluate unless other time limits are agreed to by the school administration and the parents

**24:05:25:17. Conduct of IEP team without parents.** An IEP team meeting may be conducted without a parent in attendance if the district is unable to convince the parents that they should attend. The district must have written documentation of its attempts to arrange a mutually agreed upon time and place, such as the following:

- (1) Detailed records and dates of telephone calls made or attempted to parents and the results of those calls;
- (2) Detailed copies of dated correspondence sent to the parents and any responses received; and
- (3) Detailed records and dates of visits made to the parent's home or place of employment and the results of those visits.

**24:05:27:01.03. Content of individualized education program.** Each student's individualized education program shall include:

(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:

- (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;

**24:05:30:05. Content of notice.** The notice must include the following:

- (1) A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any other options the IEP team considered and the reasons why those options were rejected;