

**DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Spearfish School District
Accountability Review Report 2023-2024**

Date(s) of Review: October 17-18, 2023

Date of Report Sent to District: November 30, 2023

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

Date Closed: May 23, 2024

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:

24:05:25:04.02. Determination of needed evaluation data.	24:05:25:03.04. Evaluation procedures -- Notice.
24:05:17:09. Return of information	24:05:25:13. Group members to certify report in writing.
24:05:25:19. Parents to receive copy of individual education program.	24:05:25:16. Parent participation.
24:05:25:26. Extended school year authorized	24:05:25:16.01. Participation of student in IEP team meeting.
24:05:27:01.02. Development, review, and revision of individualized education program.	24:05:26:09.03. Manifestation determination review requirement.
24:05:27:01.03. Content of individualized education program.	24:05:27:01.05. IEP team attendance.
24:05:27:10. Individual educational programs for students placed in private schools.	24:05:27:15.01. IEPs for student transfers within state.
24:05:28:03. Factors in determining placements.	24:05:27:15.02. IEPs for student transfers from another state
24:05:30:04. Prior Notice.	24:05:30:03. Independent educational evaluation.
24:05:30:05. Content of notice.	24:05:30:06.01. Procedural safeguards notice—Availability.