

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 _East Dakota Educational Cooperative (DBA Teachwell Solutions)_ 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.



10/18/2022

Signature of Authorized Official

Date

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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))

Within agency, the Special Education Director and Special Education Coordinator are responsible for communications in relation to meetings, evaluations, timelines, and etc. The Special Education Coordinator will delegate some aspects of case management to the Special Education Teachers assigned to each program.

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.)

The home attendance center reports each enrolled student within their district's child count data.

Section III. Timelines

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.)

The agency's Special Education administrative staff assist in facilitating with case managers in ensuring timelines are followed for special education students within the agency. Timeline specific student information is documented for each student upon enrollment within Teachwell programs. Teachwell special education staff work in collaboration with district special education staff in the organization of team members and meeting due process requirements for each timeline.

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.)

Teachwell's certified special education staff will be responsible for the development of the IEP for special education students within the agency.

- 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.)

Upon enrollment, IEP team members are identified from the home attendance center. District team members are documented within agency student special education timelines for reference for communication and collaboration as timelines come due. District team members are contacted in advance to provide input within the draft documents.

- c. Every student on an IEP will have annual goals. These goals are written to be measurable 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.)

Agency certified special education staff are responsible for reporting quarterly progress to parents. Quarterly, a cover letter outlining student progress along with a goal page are mailed to families. A copy of the progress is sent to the home attendance center for the student's cumulative file. A copy is kept in the student working file within the agency.

- 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.)

Agency special education staff are responsible for the provision of services for special education students enrolled within Teachwell programs. Upon enrollment, student services are documented and designated to a special education service provider to include but it is not limited to; Success Coach with Special Education Teacher oversight, Special Education Case Managers, Special Education Coordinator, and/or Special Education Director.

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.)

Agency special education staff facilitate the organization of evaluation components with student home attendance centers. Consent to conduct initial and reevaluations is completed and gathered by Teachwell special education staff, unless district completion is preferred and requested by the referring district. Home attendance centers are responsible for conducting ability and achievement testing, along with reporting the information in the psychological report and eligibility determination worksheet, and providing standardized rating scales to Teachwell staff. Agency special education staff complete skills based requirements, transition, and observations. Agency special education staff complete rating scales provided by the home attendance center. Evaluators report results in accordance with assessments completed.

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.

Developed in 2017

- 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)).

Agency special education staff will facilitate IEP meetings for special education students enrolled in Teachwell programs. Required team members specific to individualized plans such as related service providers, school psychologists will be responsible for reporting required components in accordance with their services.

- c. Location -

(Whether the meeting is initiated by the agency or district, describe how the parent, district, and agency will be involved.)

Agency special education staff initiate special education meetings; annual IEP's, evaluations, review of progress, amendments, revision of behavior intervention plans, etc. When a meeting is initiated for any of the following reasons stated above, the parent and a representative from the district are requested to be in attendance.

- 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.)

When facilitating the organization of a team meeting, team member input in regards to availability, as well as, convenience for team members of meeting location is communicated by team members. Based on individual circumstances, the team considers virtual attendance, attendance at Teachwell, or attendance at a designated location within the referring district. If the agreed upon location by the majority of team members does not work for a team member, virtual attendance is coordinated.

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, it 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))

Agency special education staff are responsible for meeting due process requirements specific to meeting notice requirements. Meeting notices prior to team meetings are completed and shared with team members within identified timelines. The Parental Prior Written Notice is provided with a copy of the final IEP to team members after the team has convened.

- 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.)

Agency special education staff send notification of meetings 5 days prior to the team convening. In special circumstances where the team needs to convene with urgency before a 5 days notice, required team members will be notified and alternative arrangements will be offered in keeping with due process requirements.

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.)

Upon student enrollment, student behavior is communicated by team members. Students who have been identified as displaying behavior that interferes with their learning or the learning of others have a behavior intervention plan included within their IEP to address behaviors within Teachwell's programming. The district may request student behavioral data while students are enrolled within programming, in which it is provided by agency administrative staff.

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.)

Agency special education administrative staff oversee state assessment procedures for special education students. Special education staff complete all alternate testing requirements for students who qualify within agency programs. Special education administrative staff work with Teachwell's testing coordinator in the provision of state tests and implementation of accommodations as documented on current IEP's.

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

(Identify the policies and procedures for addressing complaints and dispute resolutions)

If a written signed statement by an individual or organization, is received by the Teachwell Administration indicating a violation of a requirement of federal or state statutes, rules, or regulations that apply to a program of the agency, the following steps shall be taken:

- (1) Teachwell Administrative staff will contact the resident district's Special Education Director to determine if the perceived violation applies to the decisions, actions or inactions of the home district. In these cases the home district will follow their district comprehensive plan.

- (2) If the complaint applies directly to agency programming, due process requirements and related decisions, Teachwell Administration will contact the state director of special education to request the appointment of a complaint investigation coordinator from the

department's special education programs. The coordinator and any consultants may conduct an independent on-site investigation if it determines that one is necessary.
(3) Agency staff will abide by requirements under ARSD for processing complaints and seeking resolution of disputes under the direction of the Dept of Education representatives.

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 agency's policies and procedures)

A Federal law, the Family Educational Rights and Privacy Act, commonly called FERPA, requires prior written consent from a student's parent or guardian (or student age 18 or older) prior to any disclosure of a student's educational records unless a specific exception is applicable such that prior written consent is not required. A student's educational records are those records that are: 1. directly related to a student; and 2. maintained by the Cooperative or by a party acting for the Cooperative. Student educational records do not include: 1. records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record, 2. records of the Cooperative's school resource officer, subject to certain limitations, 3. records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are: a. made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity, b. made, maintained, or used only in connection with treatment of the student, and c. disclosed only to individuals providing the treatment. (For the purpose of this provision, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution, 4. records created or received by an educational agency or institution after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student and 5. grades on peer-graded papers before they are collected and recorded by a teacher. FERPA permits the disclosure of Personally Identifiable Information (PII) from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory

information, and disclosures to the parent or eligible student, FERPA regulations requires the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. A school may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student.

- 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

(Designate a staff person to be responsible for acquiring, sharing, and maintaining the documents.)
The Teachwell Special Education Coordinator is responsible for acquiring, sharing and maintaining the records either personally or through delegation to office managers or Special Education teachers acting as case managers.

- c. The student files are confidential and need to be located in a locked cabinet.

(Identify the location of the files.)

Student files are maintained in locked file cabinets in an on-site office designated for common access to the Special Education Coordinator and program SPED Case Managers.

- d. Transfer of records.

Describe the agency's policies and procedures.

At program admission, Teachwell staff request educational records from each student's home school district. Throughout the student's placement within Teachwell programs, original copies of all due process required documents will be provided to the home school district as they are responsible for maintaining the student's permanent record. At discharge a file review is conducted to facilitate the full exchange of documents. A second copy of the student is maintained at Teachwell for a period of time up to a year to support a return to programming if the need arises.

- e. Destruction of information.

(Describe the agency's policies and procedures.)

All student records are maintained on site for the duration of placement. Original copies of all student records are provided to the home district. Student records may be maintained at the Teachwell site for students whose programming spans multiple years or a return to programming is anticipated. After the date of a student's known graduation date from their home attendance center all records are subject to destruction in keeping with State required procedures. Student enrollment records are maintained permanently within Infinite Campus.