



South Dakota
**Advisory Panel on
Children with Disabilities**

2021-22 ANNUAL REPORT

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To the Governor of South Dakota,

The South Dakota Department of Education Special Education Advisory Panel continues its service in an advisory role to the Department of Education Office of Special Education Programs (SEP) on behalf of children with disabilities and their educational opportunities. This annual report highlights the priorities, recommendations, and activities of the South Dakota Panel for Children with Disabilities (SDAPCD) for the past fiscal year.

The SDAPCD is committed to working to enhance the lives of students with disabilities. Parents, individuals with disabilities, and professionals representing diverse areas of expertise work together to provide insight, guidance, and direction to (SEP) so that South Dakota can continue to provide our students with the best possible education.

Panel efforts and focus during this past year, July 1, 2021 – June 30, 2022, include improving information dissemination and the communication gap between the State Education Agency, school districts and parents of students with disabilities, panel training, sharing of information amongst the panel, providing input to and receiving updates from SEP.

Chairperson
Erin Schons

The South Dakota Advisory Panel Overview

The South Dakota Advisory Panel for Children with Disabilities is composed of individuals from around the state and selected by the Governor of South Dakota. The SDAPCD advises the Department of Education SEP on educational issues related to students with disabilities.

In compliance with this responsibility, the SDAPCD conducted public meetings in Pierre, SD. The SDAPCD is also provides access to meetings statewide through South Dakota Public Broadcasting.

SDAPCD's role as a stakeholder group for Special Education includes providing suggestions and advice to the State DOE on critical issues regarding special education services throughout South Dakota.

The SEP wishes to thank the SDAPCD members for their assistance and guidance.

Administrative Rules of South Dakota

24:05:14:18. State advisory panel -- General.

The department shall establish and maintain an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the state.

24:05:14:19. State advisory panel -- Membership.

The advisory panel must consist of members appointed by the Governor, or any other official authorized under state law to make such appointments, be representative of the state population, and be composed of individuals involved in, or concerned with, the education of children with disabilities, including:

- (1) Parents of children with disabilities, ages birth through 26;
- (2) Individuals with disabilities;
- (3) Teachers;
- (4) Representatives of institutions of higher education that prepare special education and related services personnel;
- (5) State and local education officials, including officials who carry out activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007;
- (6) Administrators of programs for children with disabilities;
- (7) Representatives of other state agencies involved in the financing or delivery of related services to children with disabilities;
- (8) Representatives of private schools;
- (9) Not less than one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities;

- (10) A representative from the state child welfare agency responsible for foster care; and
- (11) Representatives from the state juvenile and adult corrections agencies.

A majority of the members of the panel must be individuals with disabilities or parents of children with disabilities, ages birth through 26.

24:05:14:20. State advisory panel -- Duties.

The advisory panel shall:

- (1) Advise the department of unmet needs within the state in the education of children with disabilities;
- (2) Comment publicly on any rules proposed by the department related to the education of children with disabilities;
- (3) Advise the department in developing evaluations and reporting on data to the U.S. Secretary of Education under section 618 of the IDEA;
- (4) Advise the department in developing corrective action plans to address findings identified in federal monitoring reports under Part B of the IDEA; and
- (5) Advise the department in developing and implementing policies related to the coordination of services for children with disabilities.

SDAPCD Responsibilities

- 1. Advise the State Education Agency (SEA) of unmet needs within the State in the education of children with disabilities.
- 2. Comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities.
- 3. Advise the SEA in developing evaluations and reporting on data to the Secretary under section 618 of the Act.
- 4. Advise the SEA in developing corrective action plans to address findings identified in Federal monitoring reports under Part B of the Act.
- 5. Advise the SEA in developing and implementing policies relating to the coordination of services for children with disabilities.
- 6. Review and comment on final due process hearing findings and decisions.
- 7. Advise on eligible students with disabilities in adult prisons. The advisory panel also shall advise on the education of eligible students with disabilities who have been convicted as adults and incarcerated in adult prisons.

SDAPCD Meeting Information

The SDAPCD meets quarterly, and meeting information can be found at [South Dakota Boards and Commissions](#) website under Special Education Advisory Panel for Children with Disabilities:

- Meeting minutes
- Future meeting dates
- Current meeting agendas
- Supporting documents for current meetings
- Recording of meeting

SDAPCD Membership

The advisory panel is made up of twenty SDAPCD members from across SD. Eleven of those members are parents of children with disabilities or individuals with disabilities, which represent 55% of the membership.

Panel Members	
Name: Alex Anderson-Kahl Representation: Individual Location: Rapid City, SD Term Ends: 6/30/2024	Name: Larry Ayres, Vice Chairperson Representation: Parent Location: Brookings, SD Term Ends: 6/30/2024
Name: LeeAnn Bawek Representation: Parent Location: Doland, SD Term Ends: 6/30/2024	Name: Angie Brown Representation: Parent Location: Sioux Falls, SD Term Ends: 6/30/2024
Name: Jennifer Carda Representation: Parent Location: Tabor, SD Term Ends: 6/30/2024	Name: Tami Fite Representation: Parent Location: Platte, SD Term Ends: 6/30/2024
Name: Katie Gran Representation: Transition State Agency Location: Pierre, SD Term Ends: Agency Required	Name: Eric Grover Representation: State Child Welfare Agency Location: Rapid City, SD Term Ends: Agency Required
Name: Steve Helgeland Representation: Special Education Administrator Location: Dell Rapids, SD Term Ends: 6/30/2024	Name: Dr. Donna Johnson Representation: Higher Education Location: Marion, SD Term Ends: 06/30/2023
Name: Michelle Martin Representation: Special Education Administrator Location: Timber Lake, SD Term Ends: 6/30/2024	Name: Stacey Meyer Representation: Parent & Special Education Teacher Location: Pierre, SD Term Ends: 6/30/2024
Name: Meaghan Neuberger Representation: Parent Location: Sioux Falls, SD Term Ends: 6/30/2023	Name: Darcy Peterson Representation: Individual Location: Rapid City, SD Term Ends: 6/30/2023

Name: Brian Poelstra Representation: Parent Location: Pierre, SD Term Ends: 6/30/2023	Name: Erin Schons, Chairperson Representation: Private School Location: Sioux Falls, SD Term Ends: 7/30/2023
Name: Dawn Smith Representation: McKinney Vento Location: Pierre, SD Term Ends: Agency Required	Name: Kim Wadsworth Representation: State Agency Location: Sioux Falls, SD Term Ends: Agency Required
Name: Elizabeth Welfl Representation: Parent Location: Spearfish, SD Term Ends: 6/30/2022	

DOE Special Education Program Staff	
Name: Linda Turner Representation: State Director of SEP & Panel ad-hoc member Location: Pierre, SD	Name: Wendy Trujillo Representation: Assistant State Director of SEP & Panel Lead Location: Pierre, SD
Name: Melissa Manning Representation: Senior Secretary SEP & Panel Secretary Location: Pierre, SD	Name: Melissa Bothun Representation: Professional Development Specialist for SEP & Panel Lead Location: Brookings, SD Replacing Wendy Trujillo as of 01/13/2022

SDAPCD Priority

The panel priority for 2021-22 school year was improving information dissemination and the communication gap between the SEA, school districts and parents for students with disabilities.

SDAPCD Activities

September 29th – 30th, 2021

The September meeting is designated as the SDAPCD annual business meeting where items covered include the annual election of officers, orientation for new and existing members, review code of conduct, and set SDAPCD priority area(s) and goals. The activities below were completed during this meeting:

- **For the 2021-2022 school year, Erin Schons, Chairperson and Larry Ayres, Vice Chairperson were voted in unanimously.**
- **Wendy Trujillo, Assistant Special Education Director and Dispute Coordinator**
 - Overview of the top dispute resolution issues in school year 2020-21, which includes transportation, child find, educational progress, accommodations, parent participation, Individual Education Plan (IEP) team members, discipline, IEP implementation, placement, and nursing services.

- SEP continues to collaborate with South Dakota Parent Connections Navigator Program to assist parents and school districts with resolving disagreements and provide support to improve communications.
- **Linda Turner, Special Education Director shared out information**
 - Information was shared regarding the Elementary and Secondary School Emergency Relief (ESSER) Funds.
 - Districts will be required to submit a plan listing how the funds will be utilized.
 - The Department is working with stakeholders to help prioritize areas of focus, such as mental health, engaging students, and learning loss due to COVID19.
- **State Performance Plan Proposed Targets Presentation**
 - The federal Office of Special Education Programs (OSEP) released the new State Performance Plan/Annual Performance Report (SPP/APR) package in December of 2020 for Federal Fiscal Years 2020-2025. States were required to meet with diverse stakeholders to share out requirements, review current special education data, and determine new baselines and targets for the State Educational Agency (SEA) and school districts to meet.
 - SDAPCD is one of the stakeholder groups that reviews the information and provides feedback to the state on the proposed targets and baselines.
 - The SPP has 17 indicators which include both results indicators and compliance indicators. See page 13 for more information on the SPP/APR indicators.
- **Technical Assistance Center for Excellence in Special Education (TAESE)**
 - Provided SDAPCD orientation for new and existing SDAPCD members including a review of:
 - SDAPCD By-Laws and Operating Procedures.
 - Purpose of the SDAPCD and functions.
 - SDAPCD member roles and expectations.
 - Facilitated activity to assist the SDAPCD with developing a priority area to focus on during the 2021-22 year.
 - The SDAPCD decided to continue last year's panel priority of improving information dissemination and the communication gap between SEA, school districts and parents for students with disabilities by adding a parent component to the SEP website. This will increase special education stakeholders use and create public awareness.

January 12th, 2022

- **Presentation by SEP staff on the [State Performance Plan \(SPP\)](#) results that will be submitted to the federal Office of Special Education Programs (OSEP) annually by February 1st.**

- **Linda Turner, State Special Education Director**
 - Provided legislative updates on current Education bills in legislation and procedures for accessing the bills.
 - Reviewed Interagency Agreements currently in effect between SEP and the Department of Social Services, Department of Corrections, and the South Dakota School for the Blind and Visually Impaired.

- Special Education Programs hosts a Special Education Conference which is held annually in March, SDAPCD members are welcome to register.

- **Linda Turner, State Special Education Director**
 - Presented proposed changes to the Administrative Rules of South Dakota (ARSD).
 - Changing developmental delay from ages 3-5 to ages 3 to 9.
 - Changing emotional disturbance to emotional disability

- **Priority Work**
 - Sub-committee led the SDAPCD in developing goals to carry out the priority area.
 - Goal 1: SDAPCD will finalize a list of resources within three identified areas
 - Early Childhood Work Group
 - School Age Work Group
 - Transition Work Group
 - Goal 2: Create and develop a flyer for the Department about the parent website
 - Goal 3: Develop a distribution plan for the flyer.

March 31st, 2022

- **Linda Turner presented the Department of Education (DOE) updates.**
 - Update on Legislative Education Bills currently in legislation and where they are at in the process.

 - Federal Budget Review
 - Currently in public comment period.
 - Total award amount to the state is \$39,613.355 for distribution to school districts.
 - Required Activities include monitoring, enforcement, complaint investigation, and access to mediation.
 - Authorized Activities include support and direct services including technical assistance, personnel preparation, and professional development, paperwork reduction activities, transition activities, alternative programming for children with disabilities, improve use of technology in classrooms, and development and provision of accommodations.

- During the annual Special Education Conference in March 2022, Tami Rube, Scotland school district, was the parent/guardian nominated special education educator of the year winner.
- **Linda Turner reviewed the proposed changes for the Administrative Rules of South Dakota.**
 - Chairperson Erin Schons suggested the SDAPCD provide input on the Administrative Rule recommended changes.
 - Schons will draft a comment from the SDAPCD and will submit comment during the rules review open comment period.
- **The SDAPCD discussed how to update the Parent’s Rights Handbook for parents/guardians.**
 - The SDAPCD members determined updates may need to be made after the Administrative Rules of South Dakota proposed changes for special education were made along with other edits to make more parent friendly.
- **Priority Area**
 - Kodi Odean-Carlin reviewed the parent/guardian website in development and received feedback on content and format.
 - SDAPCD members discussed Goal 3: development of a distribution plan for the flyer that will be developed by the Department guiding districts and parents to the website.

June 15th, 2022

- **Linda Turner reviewed the Department of Education updates**
 - Extraordinary Cost Fund Board met in May. Linda explained the set of dollar amounts that SEP received, and how the districts can apply for the available funds.
 - This year SEP had 16 districts apply and all were approved.
 - Total funding request received by SEP was in the amount of \$2,725,825 for distribution to school districts.
 - American Rescue Plan (ARP) ESSER funds are federally granted dollars for the pandemic. SEP received \$382,000 for distribution to school districts.
 - Key items that SEP is working on at the state level are improving the data systems, improving the certification system and the farms to school nutrition program.
 - SEP released the Local Education Agency (LEA) public special education report cards.

- The special education report cards are individual school district level public reports on how well the school district performed on the indicators in the State Performance Plan. Reports can be found at <https://doe.sd.gov/sped/SPP.aspx>.
- **Linda gave an update on how the rule changes are progressing.**
 - Legislative Research Council (LRC) has requested the change to Local Education Agency (LEA) be changed back to school district.
 - SEP will update rules package and present to LRC in August.
- **Melissa Flor gave a presentation on Indicator 9 and Indicator 10 and Significant Disproportionality.**
 - Stakeholder input is required as a part of the SEP process to make a methodological change for indicators 9 and 10. SEP may continue the current methodology or may change the methodology to align with the current specific disproportionality calculation.
 - In the past SEP has used the same calculation for 9 and 10 and Significant Disproportionality
 - SDAPCD recommended aligning the methodology for Indicators 9 and 10 with the current Significant Disproportionality calculation.
- **Tim Neyhart and Cole Uecker from Disability Rights of South Dakota gave a presentation on what they do to help individuals with disabilities.**
 - Disability Rights South Dakota is a non-profit legal services agency whose mission is to protect and advocate for rights of South Dakotans with disabilities.
 - Discussion from SDAPCD as to the undergraduate course preparation within South Dakota universities for teachers regarding students with disabilities and behaviors.
- **Melissa Bothun reviewed the current by-laws and requested the SDAPCD to return feedback prior to the September 2022 meeting.**
- **Linda Turner reviewed the Departments new communication plan and how it effects the SDAPCD's priority work.**
 - SDAPCD has completed the website and the flyer priority pre-work.
 - DOE will determine how these materials align with the department communication policy in order to proceed with dissemination

State Performance Plan Indicators

The Individuals with Disabilities Act (IDEA) of 2004 requires all states to have in place a [State Performance Plan \(SPP\)](#) that evaluates the State's efforts to implement the requirements and purposes of IDEA and describes how the State will improve student performance/achievement. (See US Dept. of State Performance Plans) The SPP describes how each state will improve results for students and comply with the IDEA. It is a six-year plan with annual performance reports and is submitted annually in February.

- **Indicator 1** - Improving graduation rates for students with disabilities
- **Indicator 2** - Decreasing dropout rates for students with disabilities
- **Indicator 3** - Ensuring all students with disabilities participate in statewide assessment
- **Indicator 4** - Reducing suspension and expulsion rates for students with disabilities
- **Indicator 5** - Providing services for students with disabilities in the least restrictive environment ages 6-21
- **Indicator 6** - Providing preschool children with disabilities services in the least restrictive environment ages 3-5
- **Indicator 7** - Improving social, cognitive, and behaviors for preschool children with disabilities
- **Indicator 8** - Improving parent involvement in their child's special education program
- **Indicator 9** - Reducing disproportionality of cultural groups in special education
- **Indicator 10** - Reducing the number of students from other cultures in certain disability categories
- **Indicator 11** - Improving efforts to locate, evaluate, and serve students with disabilities
- **Indicator 12** - Ensuring a smoother transition from Birth to 3 programs to preschool programs
- **Indicator 13** - Improving transition services for students with disabilities at the secondary level, i.e., 16+ years
- **Indicator 14** - Improving the outcomes for students moving from secondary to postsecondary activities
- **Indicator 15** - Improving dispute resolution results through resolution agreements
- **Indicator 16** - Decrease the number of mediations held within a year
- **Indicator 17** - State Systemic Improvement Plan



**South Dakota Department of Education
Special Education Programs**

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