



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

2019-20 ANNUAL REPORT

Table of Contents

Letter to the Governor 3

South Dakota Advisory Panel for Children with Disabilities (SDAPCD) Overview..... 4

Administrative Rules of SD 4

 24:05:14:184

 24:05:14:194

 24:05:14:205

SDAPCD Responsibilities 5

SDAPCD Meeting Information 5

SDAPCD Membership..... 6-7

SDAPCD Priority..... 7

SDAPCD Activities..... 7-10

State Performance Plan (SPP) Indicators 11





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To the Governor of South Dakota,

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

The panel is committed to working to enhance the lives of students with disabilities. Professionals representing diverse areas of expertise work together to provide insight, input, guidance and direction to the office of Special Education Programs (SEP) so that South Dakota (SD) can continue to provide our students with the best possible education.

Panel efforts and focus during this past year, July 1, 2019 – June 30, 2020, include updating the Special Education Parent Procedural Safeguards, panel training, sharing of information amongst the panel, providing input to and receiving updates from the Office of SEP.

Chairperson
Erin Schons



The South Dakota Advisory Panel Overview

The SDAPCD, composed of individuals from around the state and selected by the Governor of South Dakota, advises the Department of Education SEP on issues related to students with disabilities.

In compliance with this responsibility, the panel conducted public meetings in Pierre. The SDAPCD also provided access 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 SD.

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 on 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 nineteen SDAPCD members from across SD. Eleven of those members are parents of children with disabilities or individuals with disabilities, which represent 51% of the membership.

Panel Members	
Name: Erin Schons, Chairperson Representation: Private School Location: Sioux Falls, SD Term Ends: 7/30/2023	Name: Larry Ayres, Vice Chairperson Representation: Parent Location: Brookings, SD Term Ends: 6/30/2021
Name: Angie Brown Representation: Parent Location: Sioux Falls, SD Term Ends: 6/30/2021	Name: Jennifer Carda Representation: Parent Location: Tabor, SD Term Ends: 6/30/2021
Name: Stephanie Caron Representation: Parent Location: Volga, SD Term Ends: 6/30/2022	Name: Katie Gran Representation: Transition State Agency Location: Pierre, SD Term Ends: Appointed
Name: Steve Helgeland Representation: Special Education Administrator Location: Dell Rapids, SD Term Ends: 6/30/2021	Name: Marie Ivers Representation: Parent & Special Education Administrator Location: Brookings, SD Term Ends: 6/30/2021
Name: Donna Johnson Representation: Higher Education Location: Marion, SD Term Ends: Appointed	Name: Laura Johnson-Frame Representation: McKinney Vento Location: Pierre, SD Term Ends: Appointed
Name: Brad Otten Representation: Parent Location: Rapid City, SD Term Ends: 6/30/2022	Name: Brian Poelstra Representation: Parent Location: Pierre, SD Term Ends: 6/30/2023
Name: Larry Puthoff Representation: Individual Location: Sioux Falls, SD Term Ends: 6/30/2021	Name: Kaitlyn Ryan Representation: State Juvenile Corrections Location: Rapid City, SD Term Ends: Appointed
Name: Heather Trefz Representation: Parent & Special Education Teacher Location: Highmore, SD Term Ends: 6/30/2021	Name: Kim Wadsworth Representation: State Agency Location: Sioux Falls, SD Term Ends: 6/30/2021
Name: Peggy Waltner Representation: Parent Location: Freeman, SD Term Ends: 6/30/2021	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) Location: Pierre, SD	Name: Wendy Trujillo Representation: Assistant State Director of SEP & Panel Lead Location: Pierre, SD
Name: Lindsey Bomesberger Representation: SEP & Panel Secretary Location: Pierre, SD	

SDAPCD Priority

The panel priority for 2019-20 school year is mental and emotional health for the whole child. Due to COVID19 the panel was unable to meet and layout the priority goals during the 19-20 school year. The panel will meet in October 2020 to determine whether this priority area is still applicable and/or develop goals.

SDAPCD Activities

September 19th, 2019

The September meeting is the SDAPCD annual business meeting where we cover items such as annual election of officers, provide orientation to 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 2019-2020 school year, Erin Schons, Chairperson and Larry Ayres, Vice Chairperson were voted in unanimously.**
- **Linda Turner, Special Education Director share out information on:**
 - The DOE Report Card posted at <https://doe.sd.gov/reportcard/>.
 - Report card has been updated to be more parent and user friendly
 - Several sub-groups to look at
 - There is a committee similar to the advisory panel that works on the measures and there are measures to include ALL students
 - Special Education legislative committee met last month and will meet again in October
 - Financial Costs and out-of-district placements
 - Next meeting will focus on drafting recommendations for bills
 - Interagency Agreements
 - SEP currently has five interagency agreements including:
 - School for the Deaf and School for the Blind and Visually Impaired
 - Department of Corrections
 - Department of Social Services, Human Services, and Labor for Transition
 - Early Childhood and Birth to Three

- **Wendy Trujillo, Assistant Special Education Director and Dispute Coordinator**
 - Shared out the preliminary 2018-2019 Dispute Resolution results for federal reporting including reasons for disputes and activities for improvement.
 - SD SEP has four dispute resolution options including Individual Education Plan (IEP) Facilitation, Mediation, State Complaint, and Due Process Hearing.
 - Results of each are:
 - IEP Facilitation – five requests from districts and parents; four were successful.
 - Mediation – five requests from district, parent, guardian, or advocate; 3 were successful; two were not held.
 - State Complaints – nine complaint requests by parents, agencies, or advocates; three didn't meet requirements and were denied; four had no findings after investigation; two had findings with a corrective action plan
 - Due Process Hearings (DPH) – three DPH request by parents or attorneys; two are currently still in progress; and one had no findings
 - SEP currently has the following measures in place to address increase communication between parents and school districts.
 - SD Parent Connection Navigator Program
 - Annual new special education director training on dispute resolution
 - Updating the SD Parent Rights Handbook
- **Technical Assistance Center for Excellence in Special Education (TAESE)**
 - Provided SDAPCD orientation for new and existing panel members including a review of:
 - SDAPCD By-Laws and Operating Procedures
 - Purpose of the panel and functions
 - SDAPCD member role and expectations
 - Facilitated activity to assist the panel with developing a priority area.
 - Priority area voted on was mental health for the whole child and emotional health
 - SEP will set up presentations on mental health resources available to school district, parents, and students in SD.

January 23rd, 2020

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

- **SDAPCD By-Laws were updated to include the following changes:**
 - Agreement by panel to use acronym for South Dakota Advisory Panel for Children with Disabilities (SDAPCD)
 - Minor language and grammar updates
- **[South Dakota Parent Rights Handbook](#)**
 - New format – parent and user friendly
 - Content didn't change
- **Dr. Benjamin F. Jones, DOE Secretary**
 - Introduction
 - DOE Strategic Plan was shared with the panel
- **Mental Health presentation by Kari Oyen, University of South Dakota**
 - Mental Health status for children in SD
 - Suicide rates in SD – top three states with highest rate
 - Shared many organizations available to students and school districts such as Project AWARE, Multi-tiered Systems of Support, Positive Behavior Intervention, Sources of Strength, Youth Mental Health First Aid, National Alliance Mental Illness (NAMI), Boys Town, etc
- **Project AWARE Presentation by Teresa Rowland, DOE**
 - Grand developed to build or expand school district partnerships with state mental health agencies
- **Children, Youth, and Family Services (CYF) presentation by Jennifer Humphrey**
 - Provided information on most common services by community mental health centers throughout the state
 - Shared how students may access services if they meet eligibility guidelines
- **Linda Turner, State Special Education Director**
 - Provided legislative updates on current Education bills
 - Department of Corrections and Department of Social Services interagency agreement were reviewed
 - SDAPCD provided feedback and asked the state to request feedback from the agencies. Then bring back the feedback at the next panel meeting.

April 2nd, 2020

Due to COVID19 closures the panel met virtually for this meeting.

- **Adverse Childhood Experiences (ACE) presentation by Tiffanie Petro, Children's Home Society**
 - Provided Insight on what Adverse Childhood Experiences (ACE) is and how it is used throughout the state of SD to address children's mental health
 - Gave the SDAPCD members resources for prevention of accumulation of ACEs.

- **Linda Turner, State Special Education Director**
 - Individuals with Disabilities Education Act (IDEA) budget presentation
 - Requested feedback from the SDAPCD members
 - Share the upcoming proposed changes to the State Performance Plan by OSEP and informed members we will give them apprised of changes.
 - Provided legislative updates on Education bills.
 - Shared information on COVID19 impacts to education and current guidance available to parents and districts.

June 11th, 2020

Due to COVID19 the panel met virtually for this meeting.

- **Transition back to School presentation by Sean Hegyi, Disability Rights South Dakota (DRSD)**
 - Sean shared information on the services they are providing to parents and students.
 - Transition services for high school students
 - Extended school year services to assist students with getting back on track
 - Working with parents on behavior improvement plans
- **Family Transition back to School presentation by Paula Souhrada**
 - Developing in collaboration with SEP a 6-part webinar series to include getting ready for reentry after closure, reviewing and developing the Individual Education Plan (IEP), transitioning, health and safety considerations, building relationships, and procedural safeguards.
- **Linda Turner, State Special Education Director**
 - Interagency agreements are being revised.
 - Due to COVID19 closures and staff changeover they are being reviewed based on precedence
 - SEP plans to provide an update at the next meeting
 - Extraordinary Cost Fund (ECF) applications are in process.
 - Applications are submitted by districts who have high cost students, programs, or supplemental costs
 - 20 applications were reviewed by the ECF committee
 - SPP public reports have been posted on SEP website at <https://doe.sd.gov/sped/SPP.aspx>.
 - Share information on the CARES Act funding and how to support districts get caught up with evaluations and services for students with disabilities.

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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