



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

2018-19 ANNUAL REPORT

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Pierre, SD 57501
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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 and advocates for 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 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, 2018 – June 30, 2019, 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 Special Education Programs.

Chairperson
Erin Schons



The South Dakota Advisory Panel Overview

The South Dakota Advisory Panel, composed of individuals from around the state and selected by the Governor of South Dakota, advises the Department of Education, Special Education Programs (SEP) on issues related to students with disabilities.

In compliance with this responsibility, the panel conducted public meetings in Pierre. The panel also provided access statewide through South Dakota Public Broadcasting.

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

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

Panel priority for the past year focused on updating Parental Awareness of Rights and Procedural Safeguards Handbook.

Requirement in the 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.

Panel 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.

Membership

The advisory panel is made up of eighteen panel members from across South Dakota. Ten of those members are parents of children with disabilities and individuals with disabilities, which represent 51% of the membership.

Panel Members	
Name: Erin Schons, Chairperson Representation: Private School Location: Sioux Falls, SD Term Ends: 7/30/2020	Name: Larry Ayres, Vice Chairperson Representation: Parent Location: Brookings, 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: Kristi Eisenbraun Representation: Individual Location: Sioux Falls, SD 2nd Term Ends: 6/30/2022	Name: Bernie Grimme 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: Tyler Munson Representation: Individual Location: McLaughlin, SD Term Ends: 6/30/2021	Name: Stacy Nemeč Representation: State Agency Dept. Social Services Location: Pierre, SD Term Ends: Appointed
Name: Brad Otten Representation: Parent Location: Rapid City, SD Term Ends: 6/30/2022	Name: Larry Puthoff Representation: Individual Location: 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

DOE Special Education Program Staff	
Name: Linda Turner Representation: State Director of Special Education Programs (Panel ad-hoc) Location: Pierre, SD	Name: Wendy Trujillo Representation: Assistant State Special Education Director & Panel Lead Location: Pierre, SD
Name: Kristin Jerome Representation: Special Education Programs & Panel Secretary Location: Pierre, SD	

Panel Priority – Parental Awareness of Rights and Procedural Safeguards

Panel Recommendations:

The panel chose to continue their work on updating the [South Dakota Parental Rights and Procedural Safeguards handbook](#) for the 18-19 year. The purpose of revision is to make the document parent friendly, reduce the number of pages, improve the look, update contacts, and include definitions.

Activities:

September 18, 2018

- Discussion on how to make the handbook more parent friendly
 - Introduction Paragraph
 - Frequently asked questions section
 - Update Contacts
 - Create box for district contact on front of the booklet
- Request state lead to have a draft of the proposed suggestions by January
- Advisory Panel members will research other state handbooks and provide suggestions at January meeting.

January 16, 2019

- Students from Dakota Wesleyan University (DWU) may assist with redesigning the handbook to make it more visually appealing.
- Discussion on whether the handbook is available in other languages.
- Further recommendations:
 - Add email to all contacts
 - Workgroups were formed to review the current handbook and provide feedback at the April meeting.
- Tentative release date is Fall 2020.

April 3rd, 2019

- Groups disseminated and discussed the updates they would like to see in the handbook.
- Large group discussion and recommendations made to state lead
- Groups will submit recommended changes by May 1st so that state lead can develop a draft guide to present to the panel in June.

June 12, 2019

- State lead provided the panel with a mock draft of the Procedural Safeguards that was developed based on panel feedback.
 - The panel broke into groups to review the changes and provide additional feedback
 - State lead will compile final feedback and work with Donna to get DWU to redesign.

Panel Functions – Topics Addressed

Topics covered during the advisory meetings are designed for the Panel to provide input to the Department of Education Special Education Programs policies and procedures.

For full details of topics covered and meeting minutes, please visit the State of South Dakota Board of Commissions Website at:

[South Dakota Boards and Commissions: SD Advisory Panel for Children with Disabilities](#)

1. Advise the SEA of unmet needs within the State in the education of children with disabilities.

September 18, 2018:

- Advisory panel chose to continue the work on the Parental Awareness of Rights and Procedural Safeguards.
- Advisory Panel members subcommittee will develop and present at the Special Education Conference in March on Parent Rights and Indicator 8 Parent Survey.

January 16, 2019

- Panel discussed topics for their SPED conference presentation
 - Focus on Indicator 8 Parent Surveys
 - Emphasis on dispute resolution options available
 - Transfer of parental rights at age 18 (age of majority)

April 3rd, 2019

- SEP received positive feedback on the panel presentation and material from the presentation will be used in the Individual Education Plan (IEP) workshops this fall.

June 12, 2019

- ECF applications have been submitted and are in the process of being reviewed.
 - Linda Turner explained the risk rubric the committee uses to determine approval.
 - ECF committee developed through legislature will continue to look at needs.

2. Comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities.

September 18, 2018

- Extraordinary Cost Fund (ECF) Summer Study Update. There are 5 bills that were drafted and will be presented during the legislative session 2019. Those bills can be found at [SD Legislative Site](#).
- LEAD-K workgroup: Information can be found at the Boards and Commission website under [Board of Regents](#).
- Federal office of Special Education has postponed the updated regulation regarding Significant Disproportionality to 2020.

January 16, 2019

- Senate Bill 23 and 24 are DOE sponsored. 23 is set up to clean up language in statute and 24 is set up to add flexibility to regulations on what grades are tested.
- Panel had discussions on Alternate Assessment and what drives the adoption of new assessments/reasons we change.

April 3rd, 2019

- Linda Turner provided an update on the ECF committee.
- Linda Turner reviewed all the bills introduced to the legislature and reviewed the outcomes.
- Lead-K (2018 legislation) – Kim Wadsworth shared information on hearing levels and why the group was created. Kim shared resources with the group.

June 12, 2019

- Angel Corrales and Melissa Flor explained Significant Disproportionality and the new Office of Special Education requirements.
 - What it is
 - New regulations
 - Coordinated Early Intervening Services (CEIS)
 - Implementation
 - State procedures and methodology
 - Proposed changes
- Suggestions or input must be received by July 1st, 2019.

3. Advise the SEA in developing evaluations and reporting on data to the Secretary under section 618 of the Act.

January 16, 2019

- Online training modules have been developed for evaluators in South Dakota assessing students ages birth to age 5 using the Battelle Developmental Inventory for federal progress monitoring requirements.

4. Advise the SEA in developing corrective action plans to address findings identified in Federal monitoring reports under Part B of the Act.

January 16, 2019

- State Special Education Programs presented on the State Performance Plan (SPP) submitted to the Federal Office of Special Education Programs February 1st of each year. Additional information on the SPP can be found at the end of this report.

June 12, 2019

- Melissa Flor presented on Special Education Accountability Monitoring process.
 - Purpose of monitoring
 - What districts/agencies are monitored and the 5-year cycle
 - Procedures used during reviews
 - Common findings of non-compliance
 - Corrective Action Plans
 - Public Reporting
- Requested feedback on corrective actions and other suggestions to improve compliance and results for students with disabilities.

5. Advise the SEA in developing and implementing policies relating to the coordination of services for children with disabilities.

September 18, 2018

- Graduation requirement guidance for students with disabilities in SD have been updated along with endorsements.
 - The regulations for graduation have not changed and guidance better clarify the requirements.
 - Special Education programs requested input on what changes can be made to make the requirements easier to understand.

January 16, 2019

- Brandi Gerry, Implementation Specialist Special Education Programs, presented on the State Personnel Development Grant (SPDG)
 - Competitive grant awarded by the U.S. Department of Education.
 - Goal is to improve reading results K-5 for students with learning disabilities.
 - Request for volunteers to serve on the SPDG stakeholder group.

April 3rd, 2019

- Brandi Gerry explained the State Systemic Improvement Plan (Indicator 17) initiative.
 - Activities
 - Reviewed state results
 - Next steps

June 12, 2019

- Indicator 14 measures post-secondary outcomes of students who have graduated or aged-out. Data is collected through a survey conducted by Black Hills State University. School districts also have the option of having their staff complete the survey calls.
- Special Education Programs conducts a statewide data drill down focusing on special education data to improve programs and identify areas of professional development needed.

6. Review and comment on final due process hearing findings and decisions.

September 18, 2018

- Wendy Trujillo, SEP assistant director and dispute resolution coordinator provided an overview of the 2017-2018 due process results.
- Requested feedback on statewide training for parents and districts on dispute resolution options.

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.

- Not applicable this year

8. Other:

September 18, 2018

- By-Laws were reviewed and statute on public comment was updated.
 - Panel suggests changing 10 days to 2 business days for notification.
 - Wording “Panel Staff” should be consistent with Special Education Programs.
 - By-Laws will be updated and sent to panel members 14 days prior to January meeting.

January 16, 2019

- Report Card was released by DOE.
 - Comprehensive Schools and Targeted Support schools were identified.
 - SEP will be working with title to address the increase in the number of high schools identified and the graduation rate.
 - Report has a new look and more information.
- New interim Secretary for the DOE
 - Dr. Ben Jones from Dakota State University (DSU)
- By-Laws were reviewed and approved by the panel.
 - Name of the panel updated
 - Suggested changes from last meeting were made
 - Updated last revised date
 - Linda Turner will check to see if code of conduct and conflict of interest needs to be added into by-laws.

April 3rd, 2019

- Federal Part B IDEA application
 - Linda Turner, SEP director, explained the Federal Grant Award
 - Activities
 - Budget
- By-Laws
 - Correct name of the Panel is “SD Advisory Panel on Children with Disabilities.”
 - Updated language to annual report section to reflect current process.

- Special Education Staff presentation – who is on the team and what is their role.
- Statewide testing in school – the testing window is currently open.

June 12, 2019

- Multi-tiered Systems of Support (MTSS) Summer conference is being held in Chamberlain, SD with a focus on literacy and behavior.
- District IDEA flowthrough applications are open for districts to apply for IDEA funding.
- Special Education Programs is currently looking for IEP facilitators and Mediators. Parent Connections is also looking for Navigators.
- Linda Turner talked about the Statewide Accountability state plan and how they are using the Report Card.
- Dr. Jones has been named the permanent Secretary of Department of Education.

Presentations to the Board

Presentations are designed for the Panel to learn more about what is happening in the state regarding other services, resources and initiatives that may be appropriate for children with disabilities.

September 18, 2018

- Disability Rights of South Dakota (DRSD)
 - Discussed services provided by Disability Rights of South Dakota and common special education topical areas they receive calls on.
- South Dakota Parent Connections (SDPC)
 - Provided an overview of the Parent Information Center services they offer and common special education topical areas they receive calls on.

June 12, 2019

- SD Council on Developmental Disabilities
 - What the council does and its history.
 - Who the council members include, and governor appointed.
 - Funding they receive and how it is used to fund grants.
 - Services they provide to individuals with disabilities and families.

Meeting Dates 2018-2019

A copy of the meeting minutes can be found on the South Dakota Boards and Commission website under Special Education Advisory Panel on Children with Disabilities at <http://boardsandcommissions.sd.gov/default.aspx>.

- **September 18, 2018:** South Dakota Department of Education, Pierre, SD
- **January 16, 2019:** South Dakota Department of Education, Pierre, SD
- **April 3, 2019:** South Dakota Department of Education, Pierre, SD
- **June 12, 2019:** South Dakota Department of Education, Pierre, SD

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 covering FFY 2005-2010, with annual performance reports each February through which the state will report on its progress in meeting the targets established in the SPP.

- **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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