

# SD ADVISORY PANEL ON CHILDREN WITH DISABILITIES MINUTES



**Date:** October 3, 2024

**Time:** 9:00 to 1:00

**Location:** MacKay Conference Room # 5 and Zoom

## **Board Members Present**

LeAnne Bawek, Kristi Bunkers, Katie Gran, Mary Anne Fleury, Stacey Meyer, Brian Poelstra, Emily Quick, Kelsey Weismantel, and Elizabeth Welfl

## **Board Members Absent**

Katie Larson, Darcy Peterson, Julie Tipton, and Jessica Vogel

## **Call to order and Introductions at 9:00 a.m.**

LeeAnn Bawek, Vice Chairperson called the meeting to order at 9:00 am. Introductions were made.

## **Approval of the Agenda:**

- Katie Gran moved to approve the agenda. Stacey Meyer seconded.
- Motion carried by roll call vote.

## **Approval of January meeting minutes:**

- Stacey Meyer moved to approve the June 5, 2024 minutes. Kelsey Weismantel seconded.
- Motion carried by roll call vote.

## **Public Comment:**

- None

## **Agenda Item: Election of Officers**

- Chairperson: Brian Poelstra nominated LeeAnn Bawek as Chairperson. No additional nominations were made. Katie Gran motioned to accept the nomination and cease nominations and take to a vote. Mary Anne Fleury second the motion. Motion passed via roll call.
- Vice Chairperson: Stacey Meyer nominated Mary Ann Fleury as Vice Chairperson. Kelsey Weismantel motioned to accept the nomination and cease nominations and take to a vote. Katie Gran second the motion. Motion passed via roll call.

**Agenda Item: Annual Business Items**

- Code of conduct form was reviewed. All members are to review and send in the second page to Wendy.
- Personal Attendant Rate sheet was reviewed. Katie Gran moved to approve the new proposed rate to \$15.55 an hour for personal attendants. Stacey Meyer seconded. Motion passed via roll call.
- Annual Report was reviewed.

**Agenda Items: Department of Education Updates**

- Proposed SPED Rules – Administrative rule 24:05:30:11 was revised from 90 days to 30 days due to HB 1220. Any party who disagrees with a special education due process decision may file a civil action within 30 days of the decision being filed. The change should be in effect the middle of October.
- The shared Interagency agreements will be completed by November 1.
- The State Determinations were discussed. The federal Office of Special Education Programs issues annual state determinations based on the current years State Performance Plan data submitted for FFY 2022. The state determinations were based on data from the 2022-23 school year, with some lag data from 2021-2022. South Dakota fell within the Needs Assistance category due to Indicator 4B Significant Discrepancy methodology and Indicator 13 Secondary Transition. SEP will take steps to address these areas and will be seeking further guidance from the panel.
- Wendy Trujillo presented an overview of the Special Education (Part B) Program staff and their indicators and duties they oversee.

**Agenda Item: Internal Review Results - Melissa Flor**

- Melissa reviewed school district annual internal review results.
- Top areas of concern are prior parent written notice, evaluation documentation, and IEP content information.
- Indicator 18 is a new indicator the state will have to report on for FFY 2023. Indicator 18 will look at how the state is addressing continued compliance after a district has been found out of compliance.

**Agenda Item: South Dakota Parent Connection (SDPC) – Jennifer Wentzel**

- Jennifer Wetzel, Navigator Program Coordinator, presented on the Navigator Program results and SDPC services.
- SDPC works with children from birth to age 26.
- Navigator program started in 2005. It is a partnership with SD DOE and Parent Connections. It offers individualized guidance to parents who suspect or have a child with a disability and school professionals at no cost.

### **Agenda Item: Dispute Resolution Summary**

- Wendy gave an overview of the Dispute Resolution 2023-2024 Results
  - The IDEA requires state educational agencies (SEA) to have procedures in place to offer dispute resolution when a parent or school district disagree over special education services provided under IDEA. SEAs are required to offer mediation, written state complaint (investigations) and Due Process Hearing and Expedited Due Process Hearings. Some other options in South Dakota are IEP Facilitation and the SD Parent Connection Navigator Program.
  - Since COVID, there has been an increase in Due Process hearings and complaints from previous years. The increase is not just statewide but nationwide.
  - The state implements several professional development opportunities to districts and parents to address issues. Including but not limited to IEP workshops, targeted technical assistance, access to regional representatives, effective IEP facilitation, SPED conferences, monthly SPED calls and Parent Rights handbook, Parent Guide to IEP Process, and other technical assistance guides.
  - Surveys are sent out to school districts and parents to find out how the mediations or IEP Facilitation process worked for them.
  - Some resources provided to parents and districts are the Navigator Program, Center for Appropriate Dispute Resolutions (CADRE), Disability Rights of SD, and state regional representatives.

### **Meeting Take Away for Annual Report**

- Election of new officers
- Accountability Focus review
- Agency updates and new rules
- Adopted a new rate of \$15.55 for personal attendants.

### **Next Meeting and Agenda Items:**

- Will be held January 9, 2025, from 8:30 to 4:00 p.m. in the Library Commons in Pierre.
  - Priority setting
  - Review of dispute resolution, internal reviews, and navigator program results for new board members
  - State Performance Plan/Annual Performance Report results

### **Adjournment at 11:10 a.m.**

- Katie Gran moved to adjourn the meeting. Mary Ann Fleury seconded.
- Meeting dismissed.