

South Dakota Comprehensive Plan/Program Narrative

Sec. 300.201 Consistency with State policies.

The LEA, in providing for the education of children with disabilities within its jurisdiction, must have in effect policies, procedures, and programs that are consistent with the State policies and procedures, established under Secs. 300.101 through 300.163, and 300.165 through 300.174. (Authority: 20 U.S.C. 1413(a)(1))

South Dakota Administrative Rule 24:05:21:01. Local education agency comprehensive plans- Contents.

Each local education agency must have a current comprehensive plan approved by the school board on file with the district superintendent or designee. Documentation supporting the implementation of the local school district's comprehensive plan shall be maintained by the district for review by Special Education Programs staff during onsite monitoring visits. Districts shall update comprehensive plans consistent with 24:05:21:01.02 and recertify their content annually.

The Avon School District has formally adopted the following policies and procedures as the district's comprehensive plan for special education. These policies and procedures were approved by the school board on (date). As indicated by the signature below, the authorizing official acknowledges the cooperative will meet all requirements of the Individuals with Disabilities Education Act and Article 24:05 through the implementation of these policies and procedures and furthermore, provides assurances that it meets each of the conditions in 34 CFR 300.201 through 300.213.

CERTIFICATION- I certify that I have read and reviewed the above assurance and will comply with all provisions of applicable federal and state laws.

Signature of Authorized Official

Date

Typed Name and Title

Address/State/Zip
Number

Telephone

Department of Education
Special Education Programs
800 Governor's Drive
Pierre, SD 57501

If your coop is turning in one comprehensive plan narrative for all member districts, every district must still submit this page.

South Dakota LEA Comprehensive Plan: Program Narrative

Avon School District 2022-2023

SECTION I: 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. Specific reference in the narrative to include:

- FAPE beginning at age 3; 300.101(b); ARSD 24:05:13:02
- Children advancing from grade to grade; 300.101(c); ARSD 24:05:13:02
- Limitations- age exceptions to FAPE; 300.102; ARSD 24:05:22:04.01
- FAPE- methods and payments; 300.103; ARSD 24:05:19:08
- Residential placement; 300.104; ARSD 24:05:19:08

- Assistive technology; 300.105; ARSD 24:05:27:20, ARSD 24:05:27:18, ARSD 24:05:27:19
- Extended school year services; 300.106; ARSD 24:05:25:26
- Nonacademic services; 300.107; ARSD 24:05:28:06
- Physical education; 300.108; ARSD 24:05:28:08
- Program options; 300.110; ARSD 24:05:28:04

District Narrative: (Review cited regulation to describe local implementation.)

- **FAPE beginning at age 3; 300.101(b); ARSD 24:05:13:02**

The Avon School District will make a FAPE available to all students with disabilities who reside within the boundaries of the district between the ages of 3 and 21 years of age. This includes any student with a disability who has been suspended or expelled. All eligible preschool aged students will have FAPE made available to them by their third birthday, including those whose birthdays fall during the summer months.

It is the goal of the Avon School District to provide full educational opportunity to all children with disabilities, aged birth through twenty-one, consistent with the timetable established in the South Dakota Eligibility Document or Part B of the Individuals with Disabilities Act.

- **Children advancing from grade to grade; 300.101(c); ARSD 24:05:13:02**

All eligible students with disabilities, regardless of whether they are advancing from grade to grade, will have FAPE available to them on an individualized basis as determined by the student's IEP team annually. Exceptions to FAPE for students aged 3-21 includes those students who have graduated from high school with a regular high school diploma. In addition, the Avon School District will make FAPE available to children from birth to three who qualify for prolonged assistance. For students

with disabilities who turn 21 during the fiscal year, the district will provide FAPE until June 30.

- **Limitations- age exceptions to FAPE; 300.102; ARSD 24:05:22:04.01**

The Avon School District provides services to individuals age 0 – 21 who are determined eligible for special education services.

Students who have graduated from high school with a regular diploma are no longer eligible for services.

- **FAPE- methods and payments; 300.103; ARSD 24:05:19:08**

The Avon School District provides services to students without cost to parents to ensure a FAPE. Member districts will utilize whatever federal, state, local and private funds are available to meet its obligations for the provision of FAPE. The cooperative may bill Medicaid for services provided for eligible students.

- **Residential placement; 300.104; ARSD 24:05:19:08.**

The Avon School District provides related services, nonmedical care and room and board for residential services at an approved public or private residential center. The Avon School District will work to locate appropriate and approved residential centers for students whose IEP team determines is in need of such services.

- **Assistive technology; 300.105; ARSD 24:05:27:18 ARSD 24:05:27:19**

The Avon School District ensures assistive technology services that are necessary for the provision of FAPE and for students to receive benefit from their special education program are provided without cost to the parent. This may include: functional evaluation, acquisition of assistive technology through purchase or lease, customizing devices to benefit individual student and/or training for family, student and/or staff. The cooperative may assist districts in determining and locating appropriate assistive technology. This may also include assistive technology to be

used at home, when that is determined to be essential for FAPE on a case by case basis.

- **Extended school year services; 300.106; ARSD 24:05:25:26**

Extended School Year services are provided to individual students to ensure benefit of special education based on the IEP teams' determination for need including: regression/recoupment of skills, maintenance of critical life skills, and/or emerging skills. These will be provided at no cost to the parents.

- **Nonacademic services; 300.107; ARSD 24:05:28:06**

The Avon School District works through the IEP team to determine necessary services for students to participate in nonacademic activities.

- **Physical education; 300.108; ARSD 24:05:28:08**

To the maximum extent possible, students with disabilities will participate in physical education classes with non-disabled peers unless a student requires specially designed physical education as determined through the IEP process.

- **Program options; 300.110; ARSD 24:05:28:04**

The Avon School District works to ensure all students within the district are provided the opportunity to participate in any program provided. The IEP team determines what supports and services are necessary for the individual with disabilities to participate with their peers.

SECTION II: Full educational opportunity goal (FEOG) 34 C.F.R. § 300.109; ARSD 24:05:22:04, ARSD 24:05:22:04.01

The district/cooperative and all member schools/districts will have in effect policies and procedures, demonstrating that the district/cooperative has established a goal of providing full educational opportunity to all children with disabilities, aged birth through 21, and include a timetable for accomplishing that goal.

District Narrative:

The Avon School District, consistent with the timetable established by the State of South Dakota and Part B of the Individuals with Disabilities Education Act (IDEA), has a goal of providing full educational opportunity to all children with disabilities, aged birth through twenty-one. The district will review data annually to guide decisions with regard to adjustments in its programs to ensure appropriate services to all students with disabilities.

1. The Avon School District will utilize a referral document and informal review of information to determine need for special education evaluation and if so suspected areas of disability.
 - a. **Referral** – A referral includes any written request, which brings a student to the attention of a school district administrator as a student who may be in need of special education. A referral made by a parent may be submitted verbally, but it must be documented in writing by the district
2. Parents will be included in information review to determine need for evaluation. If district determines no need for evaluation, **Parental Prior Written Notice** will be sent documenting district's decision.
3. Based upon the skill areas affected, the eligibility guide, information obtained through the informal review and information from parents will be used to determine category(s) of disability to be considered during evaluation.
4. Parents will be contacted to gain their input into the evaluation process and the areas to be assessed.
5. **Parental Prior Notice/Consent** Form will be completed and sent to parents. (Located on DOE website and SPED Advantage)

6. Upon receipt of the signed **Parental Prior Notice/Consent Form**, the date that permission was received by the district will be documented on the form along with the date evaluation must be completed and eligibility must be determined.
7. Upon receipt, the district will complete evaluation plan form to ensure all evaluators are provided with consent information.
8. In conjunction with South Central Cooperative, the Avon School District, will secure an evaluation team to conduct a comprehensive evaluation in all areas of suspected disability that matches with the types of evaluations checked on the **Parental Prior Notice/Consent Form**. In addition to completing evaluations that will help the team determine eligibility, they will also gather functional assessment data and developmental information about the child relating to progress in the general curriculum.
9. Unless other timelines are agreed to and an extension has been document, the evaluation will be completed within **25 school days** of receipt of the signed **Parental Prior Notice/Consent Form**.
10. Upon completion of all evaluations, the data will be analyzed and compiled into a written report(s). The report(s) will be disseminated to team members prior to the meeting (whenever possible), which will be held within **30 calendar days** from the end of the allowable evaluation period.
11. The school district, evaluators and parents will decide upon a mutually agreeable meeting date. The district will provide to the parent a completed **Meeting Notice** (Located on DOE website and SPED Advantage) informing them of the meeting date, time, place, persons invited to attend the meeting, and other required prior notice content information.
12. At the meeting, the team will review the evaluation report(s), determine eligibility for special education and related services, and, if appropriate, develop an IEP and then determine placement in the appropriate least restrictive environment.
13. The parent's consent, which is required for initial placement, will be obtained by the district prior to implementation of an IEP. (Located on DOE website and SPED Advantage)
14. After placement, the IEP team will meet on at least an annual basis to review progress and goals.

SECTION III: Child Find 34 C.F.R. § 300.111; Child Identification ARSD 24:05:22

The district/cooperative and all member schools/districts must have in effect policies and procedures for ensuring that all children with disabilities who reside within the boundaries of the district/cooperative member districts, including those who are homeless children or are wards of the state, and children with disabilities who attend private schools, regardless of the severity of their disabilities, who are in need of special education and related services are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services. Specific reference in the narrative to include:

- Use of the term developmental delay; ARSD 24:05:24.01:09
- Children who may be suspected of having a disability, and in need of special education, even though they are advancing from grade to grade, 300.111(c)(1); ARSD 24:05:22:01
- Children who are highly mobile, including migrant children, 300.111(c)(2); ARSD 24:05:22:01

District Narrative:

The Avon School District has in effect policies and procedures to ensure that all children with disabilities who reside within the boundaries of the member districts and who may be in need of special education and related services are located, identified, and evaluated according to all relevant regulations. This includes those students who may be homeless or wards of the state, as well as children with disabilities who may attend private schools within the jurisdiction of the district. Child find includes our ongoing efforts to identify pre-school and school age students with disabilities through our referral and evaluation procedures, as well as our periodic screening of preschoolers who may be experiencing developmental delays.

The Avon School District will coordinate publishing of an annual public awareness campaign for informing the parents or guardians of children (birth through 21) residing within the legal boundaries of the member districts and other interested parties located within the jurisdiction of the school district, including all public and private agencies and institutions, the special education program services available within the cooperative and how to access them. Methods used to inform parents and other interested parties of the identification, location and evaluation of children in need of special education or special education and related services may include several of the following:

1. Newspaper release in the local district legal paper.
2. Information published in the local district handbook and newsletter.
3. Information will be published in the local district newspaper regarding screening activities to be conducted for children aged 0 through five.
4. Written information will be displayed to make the public aware of the child find activities occurring in the district.
5. At each preschool screening, contact information will be available for guardians of children ages birth to 3 who have suspected delays.

The Avon School District ensures that each identified student with a disability has a current IEP in place that meets the requirements of Section 636(d) of the IDEA, and that has been developed in accordance with the requirements at 34 CFR sections 300.320 through 324. All identified students with disabilities in the district will have a current IEP in place at the beginning of the school year, and for eligible preschool students, by their third birthday. Each eligible student's IEP will be reviewed periodically, but not less than annually, to review progress and determine whether annual goals are being met.

Referrals will be addressed on an ongoing basis throughout the year when brought to the attention of the cooperative/school. Initial referrals submitted late in the school year or during the summer months may not be acted upon until the beginning of the next school year.

1. As designated by the Superintendent, the Special Education Director is responsible for coordination, implementation and documentation of the system and will maintain data regarding child identification activities.

2. Data will include all children screened and referred, those receiving a multidisciplinary evaluation, those referred but not evaluated, those evaluated but not placed and those receiving special education and related services.

3. The establishment of written procedures for collecting, maintaining, and reporting current and accurate data on all child identification activities which must be ongoing and include children not currently enrolled in the public school education program.

a. Collecting. The Avon School District will maintain a file documenting its child find activities. This will include:

- i. Annual Student Information System (DDN Campus)
- ii. Child identification news release information
- iii. Screening press release
- iv. Parent rights brochure
- v. Referral Forms
- vi. Student Handbooks or newsletter containing pertinent data
- vii. Any other written material developed and used to support the ongoing child identification process including information from all public and private agencies and institutions located within the jurisdiction of the district.
- viii. Database located on Sped Advantage

b. Maintaining: Avon School District maintain all information through the SIMS computer program, special education records within the classrooms, a file of screening activities, the database located on Sped Advantage and announcements within the special education director's office.

c. Reporting: Screening information is given directly to the parents. All reporting is also submitted to the state as well as keeping records within the school which are available upon parental request.

4. A practical method of determining which children are currently receiving needed special education or related services. Documentation supporting the implementation of a local school district's child identification system shall be maintained by the district for review by Special Education Program staff during on-site monitoring visits and must include annual child count data submitted to the division for approval.

The Avon School District caseloads from all related service providers and special education instructors are maintained within the Sped Advantage database. They are reviewed at the end and beginning of each year. The district provides child count information to assist the cooperative in determining what services are needed within each district. Related service providers assist the member districts in determining correctness of child count.

- **Use of the term developmental delay; ARSD 24:05:24.01:09**

The Avon School District utilizes the eligibility criteria of developmental delay for individuals through age 5 to receive special education services. These students include those who score at least 1.5

standard deviations below their same age peers in at least two areas of development or 2 standard deviations in at least one area of development. The areas of development are cognitive, physical, communication, social or emotional and adaptive.

- **Children who may be suspected of having a disability, and in need of special education, even though they are advancing from grade to grade, 300.111(c)(1); ARSD 24:05:22:01**
- **Children who are highly mobile, including migrant children, 300.111(c)(2).**

Children who have been identified as in need of special education are provided services based on their need and eligibility. Advancement from grade to grade and/or mobility are not used in determining eligibility for services.

SECTION IV: Individualized Education Program (IEP) 34 C.F.R. 300.112; ARSD 24:05:27

The district/cooperative and all members of the districts will ensure that an individualized education plan (IEP), or an individual family service plan (IFSP) that meets the requirements of section 636(d) of the Act, is developed, reviewed, and revised for each child with a disability in accordance with 34 C.F.R. §§ 300.320 – 300.324, except as provided in 300.300(b)(3)(ii). Specific reference must include:

- Content of the IEP; 300.320(a)(1-7); ARSD 24:05:27:01.03
- Transition services; 300.320(b); ARSD 24:05:27:13.02
- Transfer of rights at the age of majority; 300.320(c); ARSD 24:05:27:01.03
- The IEP team; 300.321; ARSD 24:05:27:01.01
- Parent participation in the IEP; 300.322; ARSD 24:05:25:16
- When the IEP must be in effect; 300.323; ARSD 24:05:25:22
- Development of the IEP; 300.324; ARSD 24:05:27:01.02
- Routine checking of hearing aids and external components of surgically implanted medical devices, 300.113; ARSD 24:05:27:05

District Narrative:

• **Content of the IEP; 300.320(a)(1-7); ARSD 24:05:27:01.03**

The Avon School District utilizes the Sped Advantage database system to ensure all parts of the IEP are included. IEP process and compliance training is provided as needed through group trainings utilizing the state or cooperative staff. Coop personnel are available to assist districts with completion of IEP's to ensure appropriate content is developed.

Avon School District will ensure that each student's individualized education program shall include:

(1) A statement of the student's present levels of academic achievement and functional performance, including:

(a) How the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students); or

b) For a preschool student, as appropriate, how the disability affects the student's participation in appropriate activities;

(2) A statement of measurable annual goals, including academic and functional goals, designed to:

(a) Meet the student's needs that result from the student's disability to enable the student to be involved in and progress in the general education curriculum; and

(b) Meet each of the student's other educational needs that result from the student's disability; For students with disabilities who take alternate assessments aligned to alternate achievement standards, each student's IEP shall provide a description of benchmarks or short-term objectives;

(3) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practical, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student:

(a) To advance appropriately toward attaining the annual goals;
(b) To be involved and make progress in the general education curriculum in accordance with this section and to participate in extracurricular and other nonacademic activities; and

(c) To be educated and participate with other students with disabilities and nondisabled students in the activities described in this section;

(4) An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in activities described in this section;

(5) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on state and district-wide assessments consistent with § 24:05:14:14. If the IEP team determines that the student shall take an alternate assessment instead of a particular regular state or district-wide assessment of student achievement, a statement of why:

(a) The student cannot participate in the regular assessment; and

(b) The particular alternate assessment selected is appropriate for the student;

(6) The projected date for the beginning of the services and modification described in this section and the anticipated frequency, location, and duration of those services and modifications;

(7) A description of how the student's progress toward the annual goals described in this section will be measured and when periodic reports on the progress the student is making toward meeting the annual goals will be provided;

(8) Beginning not later than the first IEP to be in effect when the student turns 16, or younger if determined appropriate by the IEP team, and updated annually thereafter, the IEP shall include:

(a) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training or education, employment, and, if appropriate, independent living skills; and

(b) The transition services (including courses of study) needed to assist the student in reaching those goals; and

(9) Beginning not later than one year before a student reaches the age of majority under state law, the student's individualized education program must include a statement that the student has been informed of his or her rights under Part B of the Individuals with Disabilities Education Act, if any, that will transfer to the student on reaching the age of majority consistent with § 24:05:30:16.01.

- **Parent participation in the IEP; 300.322; ARSD 24:05:25:16**

Avon School District team meeting or are afforded the opportunity to participate. The district shall notify parents of the meeting early enough to ensure that they will have an opportunity to attend, scheduling the meeting at a mutually agreed-upon time and place. The notice to the parents shall state the purpose, time, and location of the IEP team meeting and who will be in attendance and inform the parents of the provisions relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the child, including information related to the participation of the Part C service coordinator or other representatives of the Part C system at the initial IEP Team meeting for a child previously served under Part C of the IDEA.

If a purpose of the IEP team meeting is the consideration of postsecondary goals and transition services for a student, the notice must also address the provisions of § 24:05:25:16.01.

If parents cannot attend, the district shall use other methods to ensure participation, including virtual and/or individual or conference telephone calls consistent with § 24:05:27:08.04.

Parent participation should be documented in written format. This may be found within the IEP or the Parental Prior Written Notice.

- **When the IEP must be in effect; 300.323; ARSD 24:05:25:22**

The Avon School District ensures if the child is determined to be in need of special education and related services, the IEP team shall develop an appropriate individual education program for the child. At the beginning

of each school year thereafter, the district must have in effect an IEP for each child with disabilities within its jurisdiction. For children beginning at age three, an IEP shall be in effect by that date. If a child's third birthday occurs during the summer, the IEP team shall determine the date when services under the IEP will begin.

- **Development of the IEP; 300.324; ARSD 24:05:27:01.02**

1. The Special Educational Coordinator (or sped director/designee) will be responsible to ensure that the proper procedures are followed in the development, review, and revision of each IEP. This would include completing and mailing parental prior notices and other correspondence relating to development, review, or revision of IEP's, adhering to time lines, composition of the IEP team, and properly completing each section of the IEP.
2. The IEP team will ensure that all appropriate special education issues are addressed and documented on the IEP. The district's Comprehensive Plan along with the IEP Technical Assistance Guide (available from Special Education Programs) will be used as references in the development, review, and revision of each IEP.
 - (a) In the case of a student whose behavior impeded his or her learning or that of others, consider the use of positive behavioral interventions and supports and other strategies to address that behavior. Information to support positive behavior will be included within a Behavior Intervention Plan which will include the behavior, behavior supports and positive reinforcements. If restraint is addressed through the student's IEP/BIP, the team meeting will address procedures and training timelines for implementing the BIP.
 - (b) In the case of a student with limited English proficiency, consider the language needs of the student as these needs relate to the student's IEP;
 - (c) In the case of a student who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the team determines, after an evaluation of the students' reading and writing skills, needs and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in Braille or the use of Braille),

that instruction in Braille or the use of Braille is not appropriate for the student;

- (d) Consider the communication needs of the student and, in the case of a student who is deaf or hard of hearing, consider the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode; and
 - (e) Consider whether the student requires assistive technology devices and services.
3. All decisions of the IEP team will be made jointly by the parents and school personnel through the IEP process and specified on the child's IEP.
 4. The general education teacher of a student with a disability, as a member of the individualized education program team, must, to the extent appropriate, participate in the development, review and revision of the student's IEP, including the determination of appropriate positive behavioral interventions and supports and other strategies for the student and the determination of supplementary aids and services, program modifications and supports for school personnel that will be provided for the student consistent with subdivision 24:05:27:01:03 (3).
 5. The IEP will be in effect before special education and related services are provided to a child and will be implemented as soon as possible following a placement committee meeting.
 6. The special educator will ensure that the parent receives a copy of the completed IEP. The district will ensure the general educators and other service providers are made aware of the sections of the IEP they are responsible for implementing in the child's program.
 7. At the conclusion of each meeting or following any decision made by the IEP team, the parents will be provided with written notice of proposals or refusals and given five days to consider acceptance of said proposals or refusals.

- **Transition services; 300.320(b); ARSD 24:05:27:13.02**

The Avon School District requires transition services to be addressed no later than age 16. These services are designed to assist the student with moving from a school based environment to post school activities including education, employment and daily living. Several measures are utilized to assess a student's transition. Those needs will then be reported through goals and activities on the IEPs. The district uses the state transition liaisons, school counselors and Vocational Rehabilitation to identify and implement transition services. Project Skills is also utilized.

- **Transfer of rights at the age of majority; 300.320(c); ARSD 24:05:27:01.03**

Prior to age 17, The Avon School District provides information to parents and students concerning transfer of rights. This information includes brochures for transition information, rights and also discussion of guardianship as appropriate. Website from state is provided to parents.

- **The IEP team; 300.321; ARSD 24:05:27:01.01**

The district will ensure the IEP team for each student with disabilities includes the following member as appropriate.

- (1) The parents of the student;
- (2) Not less than one regular education teacher of the student if the student is, or may be, participating in the regular education environment;
- (3) Not less than one special education teacher of the student or, if appropriate, at least one special education provider of the student;
- (4) A representative of the school district who: (a) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities; (b) Is knowledgeable about the general education curriculum; and (c) Is knowledgeable about the availability of resources of the school district;

(5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in subdivisions 2 to 6, inclusive, of this section;

(6) At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student including related services personnel as appropriate;

(7) If appropriate, the student; and

(8) If appropriate, Transition services participants as described in §§ 24:05:25:16.01 and 24:05:25:16.02. The determination of the knowledge or special education expertise of any individual described in this section shall be made by the party (parents or district) who invited the individual to be a member of the IEP team.

A district may designate another district member of the IEP team to also serve as the district representative, if the criteria in this section are satisfied.

- **Routine checking of hearing aids and external components of surgically implanted medical devices, 300.113; ARSD 24:05:27:05**

The Avon School District will develop procedures as necessary for maintaining devices within each student's IEP as appropriate.

SECTION V: Least Restrictive Environment (LRE), 34 C.F.R. §§ 300.114 – 300.120; ARSD 24:05:28

The Avon School District will ensure that, to the maximum extent appropriate, children with disabilities, including those in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature and severity of the disability of a child is such that education in regular classes with the use of

supplementary aids and services cannot be achieved satisfactorily. Specific reference must include:

- A continuum of alternative placements; 300-115; ARSD 24:05:28:02
- Placements; 300.116; ARSD 24:05:28:03
- Non-academic settings, 300.117; ARSD 24:05:28:06
- Children in public or private institutions; 300.118; ARSD 24:05:28:07
- Teachers and administrators are provided with technical assistance and training; 300.119; ARSD 24:05:28:11
- Monitors placements, 300.120; ARSD 24:05:28:12

District Narrative:

Avon School District ensures the availability of a continuum of alternative placements to provide each student with a disability the opportunity for education in the Least Restrictive Environment. Any removal of a student with a disability from the regular education environment may occur only when the nature and severity of the child's needs dictate that education in regular classes, with the use of supplementary aids and services cannot be achieved satisfactorily.

- **A continuum of alternative placements; 300-115; ARSD 24:05:28:02**
- **Placements; 300.116; ARSD 24:05:28:03**

Each child's placement within the continuum (1. Regular education programs with modification; 2. Resource room; 3. Self-contained program; 4. Separate day school programs; 5. Residential school programs; 6. Home and hospital programs; 7. Other settings) is determined annually by the IEP team. Decisions are based on the child's strengths and needs in the areas of eligibility. The team reviews the child's goals, mode of instruction, necessary modifications and possible

harmful effects of placement along the continuum to determine the least restrictive environment for each child.

Unless a child's IEP requires some other arrangement, the child shall be educated in the school which that child would normally attend. A child with a disability is not removed from education in age appropriate regular classrooms solely because of needed modification in the general education curriculum.

The team reviews the child's goals and determines the need for specialized instruction to meet each of them. As part of that decision the team determines the need for related service personnel to allow the child to be successful within the educational program. Related services must be directly related to the student's disability and determined on an annual basis. The IEP team shall provide for supplementary services, such as resource room or itinerant instruction to be provided in conjunction with regular class placement as applicable.

- **Non-academic settings, 300.117; ARSD 24:05:28:06**

The Avon School District utilizes information provided by the IEP team when providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities listed in this chapter. The district will ensure that each child in need of special education or special education and related services participates with children without disabilities in those services and activities to the maximum extent appropriate to the needs of that child. The district will ensure that each child with a disability has the supplementary aids and services determined by the child's IEP team to be appropriate and necessary for the child to participate in nonacademic settings.

- **Children in public or private institutions; 300.118; ARSD 24:05:28:07**

The special education coordinator or special education director attends the IEP meetings of students placed in other facilities to ensure the policies and procedures of educating students with children who are not disabled is met.

- **Teachers and administrators are provided with technical assistance and training; 300.119; ARSD 24:05:28:11**

The Avon School District sends personnel to state and regionally sponsored trainings to ensure continued compliance and understanding of special education procedures. This training may include: IEP Process, crisis intervention, paraprofessional training, database management, or other requested trainings from member districts.

- **Monitors placements, 300.120; ARSD 24:05:28:12**

The Avon School District will submit data to the State for the purpose of monitoring educational placements for students with disabilities on an annual basis.

SECTION VI: Procedural Safeguards, 34 C.F.R. § 300.121; ARSD 24:05:30

The Avon School District will ensure that all children with disabilities and their parents are afforded procedural safeguards required by 34 C.F.R. §§300.500 through 300.536, and consistent with South Dakota Administrative Rule. Specific reference must include:

- Opportunity to examine records; parent participation in meetings; 300.501(a)(b)(c); ARSD 24:05:30:02
- Independent educational evaluations; 300.502; ARSD 24:05:30:03
- Prior written notice; content of notice; 300.503; ARSD 24:05:30:04
- Procedural safeguards notice; 300.504; ARSD 24:05:30:06.01, ARSD 24:05:30:06.02
- Use of electronic mail; 300.505; ARSD 24:05:30:06.03
- Availability of mediation; 300.506; ARSD 24:05:30:09

- Filing of due process complaints; 300.507; 300.508; 300.509; ARSD 24:05:30:07.01
- Resolution process; 300.510; ARSD 24:05:30:08.09-.12
- Impartial due process hearing; 300.511; ARSD 24:05:30:09.04
- Hearing rights; 300.512; ARSD 24:05:30:12
- Hearing decisions; 300.513; 300.514; 300.515; 300.516; 300.517; ARSD 24:05:30:11
- Status of child during due process proceedings; 300.518; 24:05:30:14 ARSD.
- Surrogate parents; children who are wards of the state; homeless youth; 300.519; ARSD 24:05:30:15
- Transfer of rights at age of majority; 300.520; ARSD 24:05:30:16.01
- Discipline procedures and manifestation determination; 300.530; ARSD 24:05:26:09.03
- Determination of setting; 300.531; ARSD 24:05:26:09.2
- Right of appeal of the determination of setting; 300.532; ARSD 24:05:26:09.05
- Placement during appeals; 300.533; ARSD 24:05:26:09.06
- Protections for children not determined eligible for special education and related services; 300.534; ARSD 24:05:26:14
- Referral to action by law enforcement and judicial authorities; 300.535; ARSD 24:05:26:15
- Change of placement due to disciplinary removals; 300.536; ARSD 24:05:26:02.01

District Narrative:

The Avon School District ensures that all children with disabilities and their parents are afforded the required procedural safeguards of 34 CFR 300.500 through 300.356 as outlined in the *South Dakota Parental Rights and Procedural Safeguards* document.

South Central Cooperative will provide each member district with updated copies of the procedural safeguards document. The Avon

School District will provide a copy of the procedural safeguards document to the parents of an eligible child with a disability at least one time each year, in addition to the following:

- Upon initial referral or parent request for an evaluation;
- Upon request by the parent;
- In accordance with discipline procedures outline in the procedural safeguards document;
- Upon receipt of the first state complaint or first due process complaint in a given school year.

Parents of the Avon School District are also informed of the posted copy of the procedural safeguards document on the DOE website in both English and Spanish to afford access to the public.

- **Opportunity to examine records; parent participation in meetings; 300.501(a)(b)(c); ARSD 24:05:30:02**

The Avon School District ensures the parents of a child in need of special education or special education and related services shall be afforded an opportunity to inspect and review all education records concerning the identification, evaluation and educational placement of the child and the provisions of a free appropriate public education to the child.

- **Independent educational evaluations; 300.502; ARSD 24:05:30:03**

The Avon School District has a procedure in place to ensure IEE services are available to parents. Upon a parental request for an IEE the district shall provide to parents, information about where an independent educational evaluation may be obtained and the district criteria applicable for independent education evaluations specified in this section.

If a parent requests an independent educational evaluation, the district may ask for the parent's reason why he or she objects to the public evaluation. However, the explanation by the parent may not be required

and the district may not unreasonably delay either providing the independent educational evaluation at public expense or filing a due process complaint to request a due process hearing to defend the public evaluation.

If the parent requests an independent educational evaluation at public expense, the district must, without unnecessary delay, either file a due process complaint to request a hearing under this chapter to show that its evaluation is appropriate or ensure that an independent educational evaluation is provided at public expense unless the district demonstrates in a hearing that the evaluation obtained by the parent did not meet district criteria. If the district files a due process complaint to request a hearing under this chapter and the final decision is that the evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense. A parent is entitled to only one independent educational evaluation at public expense each time the district conducts an evaluation with which the parent disagrees.

If a parent obtains an independent educational evaluation at public expense or shares with the district an evaluation obtained at private expense, the results of the evaluation will be considered by the district, if it meets district criteria, in any decision made with respect to the provision of a free appropriate public education to the child and may be presented by any party as evidence at a hearing under this chapter regarding that child.

If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense. If an independent evaluation is made at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria.

Independent Educational Evaluations (IEE): Evaluations provided by our school district are completed by employees from the CORE Educational Cooperative and are administered by:

- Certified School Psychologists
- Masters Level Speech Pathologist
- Masters Level Occupational Therapist
- Masters Level Physical Therapist
- Trained Academic Evaluators

Within our immediate area CORE Educational Cooperative has agreed, if requested, to conduct an outside independent evaluation. This is done at no cost to the parent requesting this evaluation. Their staff is qualified, according to the state of South Dakota, to conduct evaluations for special education. They are comparable in their training and expertise to the CORE Educational Cooperative staff. Specific names and certifications are available through South Central Cooperative.

Independent Autism Evaluation

When conducting an evaluation to determine Autism, the District uses a team of professionals from an educational Cooperative that have specific training and experience with Autism. Members of the team are typically a school psychologist, or other individual, who is qualified to administer the autism specific measures as well as to interpret behavior scales, a speech/language therapist, an occupational therapist who is familiar with sensory issues, and other professionals depending on the unique needs of the specific child.

When considering the need for an independent Autism educational evaluation, both Lifescape (2501 West 26th Street *Sioux Falls, SD* 57105. Office: 605-782-2300. Toll-Free: 800-584-9294) and the Center for Disabilities (1400 West 22nd St. Sioux Falls; 605-357-1439) include a variety of professionals and provide a comprehensive evaluation that meets the district criteria for an Autism team. CORE

Educational Cooperative also has a team of certified individuals who can conduct an evaluation to determine educational eligibility for autism.

- **Prior written notice; content of notice; 300.503; ARSD 24:05:30:04**

The Avon School District uses the PPWN provided through Sped Advantage to ensure all content is appropriate. School district staff is encouraged to attend state training on appropriate completion of the PPWN and also provides training as necessary. Technical Assistance guides are available on the state website and teachers are encouraged to have them available.

- Use of electronic mail; 300.505; ARSD 24:05:30:06.03

Upon parent request or permission, the district may utilize electronic mail to provide prior written notice, procedural safeguards and other information.

- Availability of mediation; 300.506; ARSD 24:05:30:09

The Avon School District will provide information to parents concerning mediation for dispute resolution by providing procedural safeguards and explaining the process. Procedures for mediation are as follows:

- (1) Ensure that mediation is viewed as voluntary and freely agreed to by both parties and is in no way used to deny or delay an aggrieved party's right to a hearing on a parent's due process complaint, or to deny any other rights afforded under this article; and
- (2) The mediation conference is an intervening, informal process conducted in a non-adversarial atmosphere that is scheduled in a timely manner and held in a location that is convenient to the parties in the dispute.

- Filing of due process complaints; 300.507; 300.508; 300.509; ARSD 24:05:30:07.01

A parent or the district may file a due process complaint on any matters relating to the identification, evaluation or educational placement of a child with a disability, or the provision of FAPE to the child.

- Resolution process; 300.510; ARSD 24:05:30:08.09-.12
- Impartial due process hearing; 300.511; ARSD 24:05:30:09.04
- Hearing rights; 300.512; ARSD 24:05:30:12
- Hearing decisions; 300.513; 300.514; 300.515; 300.516; 300.517; ARSD 24:05:30:11
- Status of child during due process proceedings; 300.518; ARSD 24:05:30:14
- Surrogate parents; children who are wards of the state; homeless youth; 300.519; ARSD 24:05:30:15
- Transfer of rights at age of majority; 300.520; ARSD 24:05:30:16.01
- Discipline procedures and manifestation determination; 300.530; ARSD 24:05:26:09.03
- Determination of setting; 300.531; ARSD 24:05:26:09.2
- Right of appeal of the determination of setting; 300.532; ARSD 24:05:26:09.05
- Placement during appeals; 300.533; ARSD 24:05:26:09.06
- Protections for children not determined eligible for special education and related services; 300.534; ARSD 24:05:26:14
- Referral to action by law enforcement and judicial authorities; 300.535; ARSD 24:05:26:15
- Change of placement due to disciplinary removals; 300.536; ARSD 24:05:26:02.01

The Avon School District provides a copy of procedural safeguards and offers explanation of above situations when requested by parent. Information is also provided for parents to contact SD Advocacy and Parent Connection for assistance in these areas.

SECTION VII: Evaluation 34 C.F.R. §300.122; ARSD 24:05:25

The Avon School District will ensure that all children with disabilities are evaluated in accordance with 34 C.F.R. §§300.300 through 300.311. Specific references must include:

- Parental consent (for initial evaluation, services, and re-evaluations; 300.300; ARSD 24:05:25:02.01, ARSD 24:05:25:06.01
- Initial evaluations; 300.301; ARSD 24:05:25:03
- Screening for instructional purposes; 300.302; ARSD 24:05:25:03.03
- Re-evaluations; 300.303; ARSD 24:05:25:06
- Evaluation procedures; 300.304; 300.305; ARSD 24:05:25:04
- Determining eligibility; 300.306; ARSD 24:05:25:04.03
- Specific learning disabilities; 300.307 through 300.311; ARSD 24:05:25:07, ARSD 24:05:25:08, ARSD 24:05:25:11, ARSD 24:05:25:12

District Narrative:

The Avon School District ensures that all children with disabilities are evaluated in accordance with the following regulatory provisions:

- Parental consent (for initial evaluation, services, and re-evaluations; 300.300; ARSD 24:05:25:02.01, ARSD 24:05:25:06.01 ARSD.
- Initial evaluations; (Preplacement evaluations, ARSD 24:05:25:03)
- Screening for instructional purposes; 300.302; ARSD 24:05:25:03.03
- Re-evaluations; 300.303; ARSD 24:05:25:06
- Evaluation procedures; 300.304; 300.305; ARSD 24:05:25:04
- Determining eligibility; 300.306; ARSD 24:05:25:04.03
- Specific learning disabilities; 300.307 through 300.311; ARSD 24:05:25:07, ARSD 24:05:25:08, ARSD 24:05:25:11, ARSD 24:05:25:12

The Avon School District utilizes the following evaluation process.

Referral:

- Appropriateness of referral determined by a review of records/information
- If a parent requests an evaluation and team determines no evaluation is necessary, a PPWN is completed and mailed to parents
- As soon referral is signed the team decides what areas need to be evaluated (the suspected areas of disability)
 - Teacher & Parent information
 - School psychologist
 - Related service providers
 - Special Education Teacher
 - Use the Eligibility Guide to be sure all measures are covered

Permission to Evaluate:

- Document parent input on this form regarding evaluations
- No test names, fine motor or gross motor rather than OT or PT
- Speech means articulation; Language means vocabulary, conversation, etc.
- Include parent information form along with the parent rights booklet
- Give the teacher information form to the teacher(s)
- Once signed and returned immediately count out the 25 school days and complete evaluation plan. Also complete due date for eligibility determination

Evaluation:

- Observation (LD), skill-based academics during the 25-day timeline
- All checklists (Conners, BASC-2, etc. must be returned to psych ASAP)

- Parent can give permission to extend testing timeline but this must be done prior to the last day of the testing time line.

Re-evaluation:

- Start the process at least 90 days in advance,
- Team determines what areas need to be evaluated, & what can be pulled forward
 - Teacher & Parent information
 - School psychologist
 - Related service providers
 - Special Education Teacher
 - Use the Eligibility Guide to be sure all measures are covered

Permission to Re-evaluate

- Document parent input regarding evaluations
- No test names, fine motor or gross motor rather than OT or PT
- Speech means articulation; Language means vocabulary, conversation, etc.
- Provide guardian with parent consent to reevaluation form and parent rights booklet
- Give the teacher information form to the teacher(s)
- Once signed immediately count out the 25 school days and enter this information on the evaluation plan and consent form on Sped Advantage. Also complete due date for eligibility determination

Evaluation:

- Observation (LD) and skill-based academics during the 25-day timeline
- Written reports are completed by each evaluator. These include all psychology, skills based, related service and academic evaluations. Use the skill-based template and be sure to cover all referred areas. All checklists (Conners, BASC-2, etc. must be returned to the school psychologist ASAP)

Parents can give permission to extend testing timeline; however, you may not go past the previous eligibility date.

- **If you complete the re-evaluation after the annual IEP, you must redo the IEP. The new evaluation information (especially the skill based data is necessary to ensure the student's present needs are being met).**

IEP

- Coordinate the meeting date with the school psychologist & related service providers, give time for information to be pulled together into a comprehensive report.
- When scheduling, allow extra days for cancellation/date change
- Use titles not names on the meeting notice
- PLAFFP should not have test scores but functional information
 - Be sure to use data rich needs to assist in writing measurable goals
- Do not list areas on PLAFFP that will not be addressed in the IEP
- Get parent input
- Goals come from the PLAFFP but prioritize
 - Goal is written & then team decides who will work on it
 - If transition age, both transition and academics are required
 - Goals relate to grade level standards and have all content

Parental Prior Written Notice

- Following a proposal or rejection by the district, parents will receive a prior written notice outlining the district's plan. The parents will be provided at least 5 days to consider the plan before any changes are made. If parents choose to waive the five-day requirement, changes will take place on the date indicated in the prior written notice by the parent's initials.

- Prior written notices should be provided in at least the following situations: change in identification, change in placement, refusal to evaluate, major change in services, parent revocation of consent, change in services or accommodations/modifications, ineligibility determination for services, disciplinary actions altering placement, due process complaint, change in transportation arrangements required by FAPE, refusal to convene IEP meeting after parental request, after IEP proposals or amendments and graduation.

SECTION VIII: Confidentiality 34 C.F.R. 300.123; ARSD 24:05:29, ARSD 24:05:21:05

The district/cooperative and all member schools/districts will ensure compliance with all regulations regarding the confidentiality of records and information, as noted in 34 C.F.R. §§300.610 through 300.626.

Specific references must include:

- Notice requirements to parents; 300.612; ARSD 24:05:29:18
- Access rights; 300.613; ARSD 24:05:29:04
- Record of access; 300.614; ARSD 24:05:29:05
- Records on more than one child; 300.615; ARSD 24:05:29:06
- List of types and locations of information; 300.616; ARSD 24:05:29:07
- Fees for copies of records; 300.617; ARSD 24:05:29:08
- Amendments to records at parent's request; 300.618; ARSD 24:05:29:09
- Opportunity for a hearing; 300.619; ARSD 24:05:29:10
- Result of hearing and hearing procedures; 300.620-621; ARSD 24:05:29:12
- Parental consent for the release of records; 300.622; ARSD 24:05:29:13
- Safeguarding of records; 300.623; ARSD 24:05:29:14
- Destruction of information; 300.624; ARSD 24:05:29:15

- Children’s rights; transfer at the age of majority; 300.625; ARSD 24:05:29:16
- Enforcement; policies and procedures; 300.626; ARSD 24:05:29:17
- Transfer of records for migratory children with disabilities; 300.213; ARSD 24:05:21:05

District Narrative:

The Avon School District ensures the compliance with all regulations regarding the confidentiality of personally identifiable information and all records according to 34 CFR 300.610 through 300.626.

- **Notice requirements to parents; 300.612; ARSD 24:05:29:18**

Avon School District publishes requirements in the local newspaper on an annual basis. Individual school handbooks are also handed out annually and information is posted on the district’s website.

- Access rights; 300.613; ARSD 24:05:29:04
- Record of access; 300.614; ARSD 24:05:29:05
- List of types and locations of information; 300.616; ARSD 24:05:29:07
- Records on more than one child; 300.615; ARSD 24:05:29:06

The Avon School District provides access to parents and their representatives upon request. A record of access and a list of types and locations of information is at the front of each student’s file to maintain a list of individuals who have accessed information.

Only records specifically regarding their child may be reviewed.

- Fees for copies of records; 300.617; ARSD 24:05:29:08

A reasonable coping fee may be assessed.

- Amendments to records at parent’s request; 300.618; ARSD 24:05:29:09

The district will determine if amendments are appropriate. If the district decides to refuse an amendment, a Prior Written Notice will be sent to the parents explaining their rights including their right to hearing.

- Opportunity for a hearing; 300.619; ARSD 24:05:29:10
- Result of hearing and hearing procedures; 300.620-621; ARSD 24:05:29:12
- Parental consent for the release of records; 300.622; ARSD 24:05:29:13
- Safeguarding of records; 300.623; ARSD 24:05:29:14
- Destruction of information; 300.624; ARSD 24:05:29:15
- Children's rights; transfer at the age of majority; 300.625; ARSD 24:05:29:16
- Enforcement; policies and procedures; 300.626; ARSD 24:05:29:17
- Transfer of records for migratory children with disabilities; 300.213; ARSD 24:05:21:05

The Avon School District provides a copy of procedural safeguards and offers explanation of above situations when requested by parent.

Information is also provided for parents to contact SD Advocacy and Parent Connection for assistance in these areas.

SECTION IX: Transition from Part C to Part 34 C.F.R. § 300.124; ARSD 24:05:27:21

The Avon School District will ensure that children participating in early intervention programs assisted under Part C, and who will participate in preschool programs assisted under Part B, experience a smooth and effective transition to those preschool programs. By the third birthday of such a child, an individualized education program (IEP) or, if consistent with 34 C.F.R. § 300.323(b), in individualized family service plan (IFSP), has been developed and is being implemented for the child. The local education agency (LEA) will participate in transition planning conferences arranged by the designated lead agency.

District Narrative:

Avon School District ensures that children participating in early intervention programs under Part C, and who will participate in preschool programs under Part B experience a smooth and effective transition to district preschool programs. Further, each eligible child with a disability will have developed and implemented at the time of their third birthday, an appropriate IEP or IFSP for the provision of special education and related services. The district participates in transition planning conferences as coordinated by the local Part C agency.

Avon School District collaborates with the 0-3 program to ensure all children previously identified as in need of services are screened and evaluated to determine continued eligibility. Information is provided at least three months in advance so eligibility is addressed before the summer months.

SECTION X: Private School Placements; 34 C.F.R. §§ 300.129 – 300.148; 24:05:31, ARSD 24:05:32

The Avon School District will ensure that all responsibilities to children placed in private schools within the jurisdiction of the LEA are met. Consistent with the number and location of children with disabilities within the jurisdiction of the Avon School District such students enrolled in private elementary and secondary schools will have provisions made for the participation in programs assisted or carried out under Part B for the purpose of providing special education and related services. Specific references must include:

- Definition of parentally-placed private school children; 300.130; ARSD 24:05:32:01
- Child find for parentally-placed private school children with disabilities; 300.131; ARSD 24:05:32:01.01
- Provision of services for parentally-placed private school children with disabilities; 300.132; ARSD 24:05:32:03.01, ARSD.
- Expenditures for parentally-placed private school children with disabilities; 300.133; ARSD 24:05:32:01:02

- Consultation process with private schools attended by children with disabilities; 300.134; ARSD 24:05:32:01:05
- Written affirmation by private school officials of meaningful consultation; 300.135; ARSD 24:05:32:01.06
- Compliance; rights of private school officials to submit a state complaint; 300.136; ARSD 24:05:32:01.07
- Determination of equitable services for parentally-placed private school students with disabilities; 300.137; ARSD 24:05:32:03.02,
- Provision of equitable services for parentally-placed private school students with disabilities; 300.138; ARSD 24:05:32:03.02
- Location of services and transportation; 300.139; ARSD 24:05:32:03.03
- Due process complaints and state level complaints; 300.140; ARSD 24:05:32:03.04
- Requirements that funds not benefit a private school; 300.141; ARSD 24:05:32:12
- Use of personnel for the provision of services to parentally-placed private school students with disabilities; 300.142; ARSD 24:05:32:13
- Prohibition on separate classes; 300.143; ARSD 24:05:32:11
- Property, equipment, and supplies used to provide special education and related services to parentally-placed private school students with disabilities; 300.144; ARSD 24:05:32:15, ARSD 24:05:32:16
- Children with disabilities in private schools placed or referred by public agencies; 300.145 – 300.147; ARSD 24:05:34:02
- Placement of children with disabilities by their parents in private schools when FAPE is an issue; 300.148; ARSD 24:05:31:01-07

District Narrative:

The Avon School District complies with 34 CFR 300.129 through 300.148, concerning governing private school placements within the boundaries of the member districts. Through consultation with private school representatives, the district would locate, identify and evaluate all

children with disabilities who are enrolled by their parents in a private school within the district's boundaries. For all eligible students with disabilities enrolled in private schools by their parents, a service plan would be developed in accordance with 300.132, and records maintained documenting the number of students evaluated and served in these settings.

- Definition of parentally-placed private school children; 300.130; ARSD 24:05:32:01
- Child find for parentally-placed private school children with disabilities; 300.131; ARSD 24:05:32:01.01
- Provision of services for parentally-placed private school children with disabilities; 300.132; ARSD 24:05:32:03.01

The school district will make the final decision about services to be provided during an IEP meeting.

- Consultation process with private schools attended by children with disabilities; 300.134; ARSD 24:05:32:01:05
- Written affirmation by private school officials of meaningful consultation; 300.135; ARSD 24:05:32:01.06
- Avon School District agrees to provide services to children enrolled within a private school in their district.
- Compliance; rights of private school officials to submit a state complaint; 300.136; ARSD 24:05:32:01.07
- Due process complaints and state level complaints; 300.140; ARSD 24:05:32:03.04

Private schools have the right to submit state complaints and follow the due process procedure if the school feels the local district is not meeting the regulations for providing special education services within the private school.

- Determination of equitable services for parentally-placed private school students with disabilities; 300.137; ARSD 24:05:32:03.02

- Provision of equitable services for parentally-placed private school students with disabilities; 300.138; ARSD 24:05:32:03.02
- Location of services and transportation; 300.139; ARSD 24:05:32:03.03

During consultation, the local school district will determine equitable service, location and transportation for special education services.

- Requirements that funds not benefit a private school; 300.141; ARSD 24:05:32:12
- Prohibition on separate classes; 300.143; ARSD 24:05:32:11

IDEA funds may only be utilized to provide services to students within the private school who have been identified as in need of special education.

- Use of personnel for the provision of services to parentally-placed private school students with disabilities; 300.142; ARSD 24:05:32:13

If part of plan, the local school district provides special education personnel.

Property, equipment, and supplies used to provide special education and related services to parentally-placed private school students with disabilities; 300.144; ARSD 24:05:32:15, ARSD 24:05:32:16

Local school district maintains control of all equipment and supplies used to provide special education and related services.

- Children with disabilities in private schools placed or referred by public agencies; 300.145 – 300.147; ARSD 24:05:34:02

Local district is responsible for identification, evaluation and special education placement. Cost for placement in private school is the public agency's responsibility

- Placement of children with disabilities by their parents in private schools when FAPE is an issue; 300.148; ARSD 24:05:31:01-07

1. The district will locate, identify, and evaluate all private school children with disabilities, including religious-school children, and children receiving alternative instruction under SDCL 13-37-1.1 residing in the jurisdiction of the district. The activities undertaken to carry out this responsibility for private school children with disabilities may be comparable to activities undertaken for children with disabilities in public schools.
2. The district will consult with appropriate representatives of private school children with disabilities.
3. The district will ensure that a service plan is developed and implemented for each private school child with a disability who has been designated to receive special education and related services.
4. The district will consult with representatives of private school children in deciding how to conduct the annual count of the number of private school children with disabilities.
5. The child count must be used to determine the amount that the district must spend on providing special education and related services to private school children with disabilities in the next subsequent fiscal year.
6. The district will consult with representatives of private school children with disabilities regarding funding, the number of private school children with disabilities, the needs of private school children with disabilities and their location decide –
 - a. Which children will receive services?
 - b. What services will be provided
 - c. How and where the services will be provided, transportation; and
 - d. How the services provided will be evaluated?
7. If federal funds are received, the services provided to private school children with disabilities must be provided by personnel meeting the same standards as personnel providing services in public schools.

8. Private school children with disabilities may receive a different amount of services than children with disabilities in public schools.
9. No private school child with a disability is entitled to any service or to any amount of service the child would receive if enrolled in a public school.

SECTION XI: Compliance with SEA General Supervision Requirements and Implementation of Procedural Safeguards; 34 C.F.R. §§ 300.149 – 300.150; ARSD 24:05:30:01, ARSD 24:05:20:18; State Complaint Procedures; 34 C.F.R. §§ 300.151 – 300.153; ARSD 24:05:15

The Avon School District will ensure compliance with all SEA procedures under general supervision and that programs meet the standards of the SEA. Specific references must include:

- Responsibility for general supervision and procedural safeguards; 300.149-150; ARSD 24:05:20:18; ARSD 24:05:30:01
- State complaint procedures; 300.151-153; ARSD 24:05:15

District Narrative:

Avon School District will comply with any and all requests for information from the South Dakota Department of Education, Special Programs Office related to its obligation to provide general supervision over LEAs in the state. This includes any and all requests for information or data related to monitoring and compliance with regulations as established by the SEA.

- Responsibility for general supervision and procedural safeguards; 300.149-150; ARSD 24:05:30:01
- State complaint procedures; 300.151-153; ARSD 24:05:15

SECTION XII: FAPE Methods of Ensuring Services 34 C.F.R. § 300.154; ARSD 24:05:14:01.03, ARSD 24:05:14:01.06

The Avon School District will ensure that public and/or private benefits available to a student with a disability are used appropriately, and that

parents incur no cost in the provision of those services necessary for FAPE. Specific references must include:

- Restrictions and requirements on accessing public benefits (Medicaid); 300.154(d); ARSD 24:05:14:01.03
- Restrictions and requirements on accessing private benefits; 300.154(e); ARSD 24:05:14:01.03
- Use of Part B funds for services when parent consent is unable to be obtained; 300.154(f); ARSD 24:05:14:01.06

District Narrative:

Avon School District ensures that public and private benefits available to a student with a disability will be used appropriately to support the provision of FAPE at no cost or harm to the parents.

- Restrictions and requirements on accessing public benefits (Medicaid); 300.154(d); ARSD 24:05:14:01.03
- Restrictions and requirements on accessing private benefits; 300.154(e); ARSD 24:05:14:01.03
- Use of Part B funds for services when parent consent is unable to be obtained; 300.154(f); ARSD 24:05:14:01.06

After initially obtaining written parental consent for accessing public benefits, the local district provides the parents with notification of continued access on an annual basis. If permission is not received only Part B funds will be utilized for provision of services.

Private benefits will not be accessed without parental consent.

SECTION XIII: Hearings Related to LEA Eligibility 34C.F.R. § 300.155; ARSD 24:05:2023:01

The Avon School District understands their right to a hearing regarding any final determination of the SEA on eligibility for funding under Part B.

District Narrative:

Avon School District understands it has a right to a hearing before the SEA makes any final determination regarding eligibility for funding under Part B.

SECTION XIV: Personnel Qualifications 34 C.F.R. § 300.156; ARSD 24:05:16:16 & ARSD 24:05:16:01

The Avon School District will ensure that personnel necessary to carry out the provision of special education and related services are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities, including related service personnel and paraprofessionals. Each district/ will take measurable steps to recruit, hire, train, and retain highly qualified personnel to provide special education and related services to children with disabilities (24:05:16:05, ARSD).

District Narrative:

- Personnel qualifications; ARSD 24:05:16:16
- Paraprofessionals and assistants; ARSD 24:05:16:01

Avon School District ensures that only appropriately certified and/or licensed professionals and paraprofessionals will be employed to provide services to students with disabilities. In addition, the district will provide ongoing training to all staff and paraprofessionals to assist all in the provision of services to students with disabilities. Further, the district ensures that each special education teacher at the elementary, middle, and high school level is highly-qualified per the standards of the ESEA. The district will take steps to recruit, hire, train and retain highly qualified personnel as specified under SD administrative rule.

SECTION XV: Performance Goals and Indicators 34 C.F.R. § 300.157; ARSD 24:05:14:13

The Avon School District will ensure the implementation of state established performance goals and indicators for students with disabilities within their jurisdiction. Specific reference must include:

- Student information management system (SIMS)

District Narrative:

Avon School District will comply with all requests by the SEA for data submission that is instrumental in monitoring the performance of the student population with respect to state established performance goals and indicators, and will submit such data on a timely basis.

SECTION XVI: Participation in Assessments 34 C.F.R. § 300.160; ARSD 24:05:14:14, ARSD 24:05:14:14.01

The Avon School District will ensure that all children with disabilities are included in all general state and districtwide assessment programs, including those assessments described under section 1111 of the Elementary and Secondary Education Act (ESEA), with appropriate accommodations and alternate assessments where necessary, and as indicated in their respective individual education programs (IEP).

District Narrative:

Avon School District ensures that all students with disabilities will be included in state and district assessments, with appropriate accommodations and alternate assessments when necessary. Parents will be informed of their child's participation during the course of the IEP meeting, including any necessary accommodations or any assessment that will be based on alternate or modified achievement standards.

The district will provide all necessary data to the SEA on the participation of students with disabilities in state and district wide testing programs and will, to the extent possible, utilize universal design principles in the development and administration of any assessments.

SECTION XVII: Supplementation of State, local, and other Federal Funds 34 C.F.R. §§ 300.162-163; ARSD 24:05:19:0

The Avon School District will ensure the appropriate use of funds under Part B, consistent with 34 C.F.R. § 300.202(a)(1)(2)(3), to pay for the excess costs of providing special education and related services to children with disabilities within their jurisdiction and that such funds will be used to supplement state, local, and Federal funds, not supplant those funds.

- Maintenance of effort; 300.163; ARSD 24:05:19:08.03

District Narrative:

Avon School District ensures appropriate use of funds under Part B to pay for the excess costs of providing special education and related services to children with disabilities. Available funding will be used to supplement state, local, and federal funds, and not supplant those funds.

SECTION XVIII: Public Information 34 C.F.R. § 300.165; ARSD 24:05:20:02

The Avon School District will ensure that prior to the adoption of any policies necessary to comply with the requirements under Part B, including any amendments to policies and procedures, there will be public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of individuals with disabilities. The Avon School District will make available to parents of children with disabilities and the general public all documents relating to the Avon School District eligibility under Part B of the IDEA.

District Narrative:

Avon School District ensures that prior to the adoption of any policies or procedures that are needed to comply with Part B regulations, that there will be an opportunity for public input at a hearing with adequate notice of the hearing and the opportunity to provide input.

**SECTION XIX: State Advisory Panel 34 C.F.R. § 300.167-169;
ARSD 24:05:14:18-19**

The Avon School District supports the work of the State Advisory Panel to provide policy guidance to the SEA with respect to special education and related services for children with disabilities.

District Narrative:

Avon School District supports the work of the State Special Education Advisory Panel and will refer interested parents to the appropriate state contact if they are interested in serving on the panel.

SECTION XX: Other Required Provisions 34 C.F.R. § 300.170 through 300.174.

The Avon School District will ensure the following specific provisions have consistent policies for implementation at the local level. Specific references must include:

- Suspension and expulsion rates; 300.170; ARSD 24:05:14:16
- Annual description of Part B funds; 300.171; ARSD 24:05:21:03
- Access to instructional materials (NIMAC); 300.172; ARSD 24:05:14:17
- Over-identification and disproportionality; 300.173; ARSD 24:05:17:10
- Prohibition on mandatory medication; 300.174; ARSD 24:05:14:21

District Narrative:

Avon School District ensures that the specific provisions of 300.170 through 300.173 and 24:05:21:04, ARSD have been implemented at the district level, consistent with state policy.

- Suspension and expulsion rates; 300.170; ARSD 24:05:14:16

Avon School District will provide the suspension and expulsion rates to the state department to assist with decision making for provision of services.

- Annual description of Part B funds; 300.171; ARSD 24:05:21:03

Avon School District comprehensive plan is available through the special education coordinator or special education director and will be published on the website <https://www.avon.k12.sd.us/>. The comprehensive plan is reviewed annually and approved by the board on an annual basis.

- Access to instructional materials (NIMAC); 300.172; ARSD 24:05:14:17

In accordance with state statutes Avon School District has agreed to follow the NIMAC standards.

- Over-identification and disproportionality; 300.173; ARSD 24:05:17:10

Upon notification of difficulty of over-identification and/or disproportionality, Avon School District will conduct a data analysis of identification procedures to determine any inconsistencies or abnormalities that need to be address. If needed the district will revise policies, practices and procedures to address these difficulties.