

South Dakota Agency Comprehensive Plan

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.

State monitoring -- Primary focus. ARSD 24:05:20:18.01. The department shall monitor the implementation of this article, enforce this article in accordance with §§ 24:05:20:23.03 and 24:05:20:23.04 and annually report on performance under this article. The primary focus of the department's monitoring activities shall be on:

- (1) Improving educational results and functional outcomes for all children with disabilities; and
- (2) Ensuring that public agencies meet the program requirements under Part B of the IDEA, with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities.

As a part of its responsibilities under this section, the department shall use quantifiable indicators and such qualitative indicators as are needed to adequately measure performance in the priority areas identified in § 24:05:20:18.02 and the indicators established by the U.S. Secretary of Education for the state performance plan.

The Children's Home Society Agency has formally adopted the following policies and procedures as their comprehensive plan for special education. The intent of this document is to identify the responsibilities of the district and the Agency.

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

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Section I.

Communication between the agency and district is vital to the success of the student. This includes communicating about meetings, evaluations, timelines, etc.

- Communication regarding student meetings, evaluations, timelines, public school transitions, etc. will be handled by:
 - Loving School
 - Assistant Director(s) of Schools
 - Transition Coordinator
 - Owen School
 - Assistant Director of Schools
- When school records are received at Loving School or at Owen School, the Assistant Directors of Schools review the records, ensure all needed records are accounted for (current signed IEP, most recent evaluation reports, most recent signed eligibility document, signed initial consent for provision of services, etc.) and then shares that information with the appropriate teaching/service provider staff.
- For all in-state or out-of-state transfers, the Assistant Director(s) of Schools or Transition Coordinator will address any necessary changes to the IEP in a timely manner with the student's treatment team. If there are necessary changes, an addendum/PPWN will be written.

Section II. Child Count

Child Count 34 C.F.R. §300.640; ARSD 24:05:17

- a. Child Count data is the collection of enrollment information for students with disabilities ages 3-21 that are receiving Special Education services. Accurate reporting ensures who is responsible for providing services to identified students.
 - The Administrative Assistant for Loving School/Owen School enrolls children in Campus as they are placed in the Residential Program or Day School Program. The Administrative Assistant ensures that children are enrolled with the appropriate information from their previous school placement. This person also works with the public schools to ensure appropriate reporting of enrollment, disabilities, related services, discharges from services, etc.

Section III. Timelines

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

Yearly Review and revision of individual educational programs 34 C.F.R. §300.324; ARSD 24:05:27:08

- a. Special Education has explicit timelines that need to be followed. Those timelines are associated with;
 - i. Annual Meetings
 - ii. Eligibility
 - iii. Evaluation – Initial and reevaluation

- To ensure timelines are met, the Assistant Directors of Schools at Loving School and Owen School communicate with the public school responsible for a child's tuition. The schools then work together to determine responsibilities to complete each component.

Section IV. Individualized Education Program (IEP)

Development of the IEP 34 C.F.R. 300.112; ARSD 24:05:27

- a. Identify who will be responsible for writing the IEP. Some agencies have certified special education staff on-site and are capable of developing the IEP.
 - When IEPs are required for students at Loving School, certified Special Education Teachers are responsible for writing the IEP. If a teacher is not Special Education certified, the Assistant Director of Schools oversees the writing of IEPs in those classrooms.
 - When IEPs are required for students at Owen School, the Assistant Director of Schools at Owen School is responsible for overseeing the writing of IEPs for all students.
- b. The agency works directly with the student and has knowledge of the strengths and needs of the student. The district and the agency must work together to develop a comprehensive IEP based on the needs of the student.
 - At Loving School, if a student is placed 100% of the time in the Day School or Residential Program, the staff at Loving School complete the IEP writing process. The districts are always part of the IEP meeting if the district is paying tuition for the student. If a student is in the process of transitioning to public school, staff from Loving School and the public-school work together to write an IEP that will fit the student's needs in the public-school setting.
 - At Owen School, if a student is placed 100% of the time in the Residential Program, the staff at Owen School complete the IEP writing process. School districts are always invited to student meetings if they are the tuition funding source for the student. If the student is in the process of transitioning to public school, staff from Owen School and the public-school work together to write an IEP that will fit the student's needs in the public-school setting.
- d. Every student on an IEP will have annual goals. These goals are written to be measurable, and progress documented. Each student's progress must be reported to the parent as specified in the IEP.
 - Annual goals will be written for each area of eligibility at annual IEP reviews/evaluation meetings. Each goal will be created to be observable and attainable for students. Goals will include a condition (When given a set of comprehension questions), a performance (student will answer the questions), expected accuracy (with 90% accuracy), and frequency of accuracy (in 4 out of 5 trials).
 - Student progress is reported quarterly, at a minimum, to parents, guardians, social workers, public schools, etc. Progress is documented in the IEP and shared

at quarterly meetings. Progress reports are sent to parents, guardians, social workers, etc. following each quarterly meeting.

- e. The IEP identifies the individual services that each student with a disability will receive. These services identified in the IEP documents the amount of service and frequency related but not limited to, special education services, related services, transition services, etc.
 - When students are placed in the Day School Program at Loving School or in the Residential Treatment Programs at Sioux Falls Children's Home or Black Hills Children's Home, all educational/behavioral/social special education services are provided in a general classroom with modifications. Teaching staff at both locations provide services within the general classroom according to the requirements of each child's IEP – including accommodations and modifications. Students requiring related services of OT, PT, and/or Speech/Language Therapy receive those services by licensed therapists at Loving School or Owen School. Loving School has an Occupational Therapist and Speech/Language Pathologist on staff and contracts for Physical Therapy services through LifeScape. Owen School contracts with LifeScape for OT, PT, and S/L services.
 - Teachers and service providers provide services appropriate for student needs as directed by the IEP team.

Section V. Evaluation

Completion of the evaluation 34 C.F.R. §300.122; ARSD 24:05:25

- a. Special education evaluations (initial or reevaluations) must be completed in a specific timeframe. For students of transition age, a transition evaluation must also take place. The district and the agency will determine who will be responsible for initiating the evaluation process. Communication between the agency and the district is significantly important to complete the evaluation.
 - Utilize referral document and informal review of information to determine suspected areas of disability or for reevaluation a review of existing data.
 - Review of existing data involves compiling existing information related to developmentally and educationally relevant questions to identify what, if any, additional information is needed to determine eligibility and identify the student's educational needs.
 - Sources of existing data may include:
 - Initial referral documentation
 - Classroom assessments/work samples/grades in suspected areas of disability
 - Classroom observations
 - Progress notes or progress reports
 - Review of existing prior written notices
 - Review of previous evaluation reports

- Review is to help plan the evaluation and not to analyze findings to make eligibility decisions. The analysis of existing data and any new assessment findings are discussed during the evaluation meeting.
- Based upon the skill areas effected, the eligibility guide will be used to determine category(s) of disability to be assessed.
- Parents will be contacted to gain their input into the evaluation process and the areas to be assessed.
- Referring school districts will also be contacted to establish whether or not they would like to complete the assessments using their own staff, or if they would like the evaluation to be completed by CHS staff. If the evaluation is to be completed by CHS, the remainder of these steps will be the responsibility of the agency. In the event that the referring district elects to complete the evaluation with their own staff, the district will be responsible for the remainder of these steps. CHS staff will cooperate with the evaluation process, provide physical space for evaluation and coordinate times for assessments and any meetings that follow. CHS staff will be a part of the team that determines eligibility.
- Parental Prior Notice/Consent Form will be completed and sent to parents.
- Upon receipt of the signed Parental Prior Notice/Consent Form, the date that permission was received by Children's Home Society will be documented on the form.
- Children's Home Society 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 skill based assessment data in suspected areas of eligibility and developmental information about the child relating to progress in the general curriculum. CHS will also inform parents/guardians if any of the assessments completed by CHS staff as part of protocol for residential treatment will be used to determine eligibility.
- Within 25 school days of receipt of the signed Parental Prior Notice/Consent Form, the evaluation will be completed unless other timelines are agreed to.
- Upon completion of all evaluations, the data will be analyzed compiled into a written report(s). The report(s) will be disseminated to team members prior to the meeting, which will be held within 30 calendar days from day 25 of the evaluation timeline.
- Children's Home Society and parents/guardians will decide upon a mutually agreeable meeting date. CHS will mail to the parent a completed Parental Prior Notice informing them of the meeting date, time, place, persons invited to attend the meeting, and other required prior notice content information.
- At the meeting, the team will review the evaluation report(s), determine eligibility for special education and special education and related services, and, if appropriate, develop an IEP and then determine placement in the appropriate least restrictive environment.

- To determine eligibility, the team will review eligibility requirements for each area of suspected disability. The team will complete the SD Eligibility report. The report will include a review of the suspected disability categories and how that student does or does not qualify in those areas.
 - For students qualifying for services in the area of Specific Learning Disability, the team will complete each section of the eligibility document for initial SLD eligibility consideration.
 - Students meeting eligibility under SLD will have skills based assessments in each area of suspected need which may include: Basic Reading, Reading Fluency, Reading Comprehension, Written Expression, Math Problem Solving, Numerical Operations, Listening Comprehension and/or Oral Comprehension.
 - As part of the eligibility process, the evaluation teams at Loving School and Owen School complete the signature page regardless of category of eligibility.
- The parent's consent, which is required for initial placement, will be obtained by Children's Home Society prior to implementation of an IEP when initial eligibility is determined.

Section VI. IEP Team

IEP team meeting date 34 C.F.R. §300.23; ARSD 24:05:27:02

Parent Participation 34 C.F.R. §; ARSD 24:05:30:02.01

IEP team 34 C.F.R. §300.321; ARSD 24:05:27:01.01

Special Education has specific laws that govern the meetings. The IEP team is the key element in making informed decisions for the best interest of the student. Communication with the district about who will be conducting the meetings (annual, eligibility, amendment, etc.) is essential.

- a. Meeting Notice –Prior to a meeting, the notice will be sent out. Content of the meeting notice includes date, time, location, purpose, or agenda, attendees, and contact information.
- b. Conducting – **Student meetings will be conducted by Children's Home Society team members.**
- c. Location – **Meetings will be conducted on the campus of the Sioux Falls Children's Home or the Black Hills Children's Home with an option for parents/guardians, social workers, public school entities, etc. to attend meetings on a virtual platform, such as MS Teams or ZOOM.**
- d. Attendance - Special Education law requires, at a minimum, that the parents of the student, regular education teacher (if student is participating in the regular education environment), at least one special education provider, representative of the school district that can make decisions about the availability of resources of the district, the student (if appropriate), and transition service participants (if applicable).

- Attendees will be included via in-person meetings or through the use of virtual options such as MS Teams, ZOOM, or conference call.
 - If a student eligible or suspected to be a student with a disability that is placed and paid by a state agency, Owen School will inform the Rapid City Area Schools of the enrollment and Loving School will inform the Sioux Falls School District of the enrollment – providing student enrollment information and other necessary information to coordinate special education.
 - All educational services will be provided by Owen School/Loving School in accordance with the annual state approved application outlined in 24:43:04:02 and based on the student’s IEP.
 - The Rapid City Area Schools and Sioux Falls School District are not responsible for financial obligations for students placed and paid by a state agency. The State Department of Education provides compensation to the Rapid City Area Schools and the Sioux Falls School District for serving in the administrative roles as the resident district.
 - Owen School/Loving School will coordinate with the Rapid City Area Schools/Sioux Falls School District for the administrative responsibilities of the eligibility and IEP process for students with disabilities paid and placed by a state agency.
 - Owen School/Loving School will be responsible for implementing the IEP for all students with disabilities.

Section VII. Parental Prior Written Notice

Content of Notice 34 C.F.R. §300.503; ARSD 24:05:30:04, 24:05:30:05

- a. Meeting Notice – Parents of students with disabilities are to be included in all IEP team meetings. These meetings are at a mutually agreed upon time and place. Parents are to be informed early enough to ensure that they will have the opportunity to attend. As for the Parental Prior Written Notice, is completed and given to the parent after a meeting has been held. This notice is provided as a recap of what was discussed in the meeting and should include what the district proposes or refuses to initiate or change in the identification, evaluation, or educational placement of the child and should be given to the parents five days before this change. **The Assistant Directors of Schools at Owen School and Loving School or the Transition Coordinator at Loving School will ensure Prior Written Notices are sent to parent/guardians prior to changes in the IEP process.**
- b. The timelines of the notices are important and need to be provided to the parents within those timelines. **Notices will be sent via email when possible or mailed to parents within 24 hours of a meeting. When appropriate, notices will be given directly to parents at the conclusion of team meetings.**

Section VIII. Discipline Procedures

Authority of School Personnel 34 C.F.R. §300.530; ARSD 24:05:26:02.03, 24:05:26:09.03

Change of Placement for disciplinary removals 34 C.F.R. §300.536: ARSD 24:05:26:02.01

- a. Students that are on an IEP may exhibit minor to extreme behavior issues. Existing behavior plans in the IEP may need to be addressed. Specific guidelines exist and need to be followed for the suspension and expulsion of students on an IEP. **Students at Loving School and Owen School are not suspended or expelled from services due to behaviors.**

Section IX. State and District Wide Assessment Procedures

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

- a. Students are required to participate in state assessments at certain grade levels. Some accommodations stated on their IEP may be needed for participation in the assessment. State assessments are coordinated at Loving School and Owen School by the Assistant Director of Schools. Students are assessed using the required accommodations assigned in the IEP. The Assistant Director of Schools ensures that accommodations are enabled in the TIDE system prior to students taking state assessments.

Section X. Procedural Safeguards

Availability of mediation 34 C.F.R. §300.506; ARSD 24:05:30:09

Filing of due process complaints 34 C.F.R. §300.507; 300.508, 300.509; ARSD 24:05:30:07.01

Resolution process 34 C.F.R. §300.510; ARSD 24:05:30:08.09-.12

Impartial due process hearing 34 C.F.R. §300.511; ARSD 24:05:30:09.04

Hearing rights 34 C.F.R. §300.514; ARSD 24:05:30:12

Hearing decisions 34 C.F.R. §300.513. 300.514, 300.515, 300.516, 300.517; ARSD 24:05:30:11

Status of child during due process proceedings 34 C.F.R. §300.518; ARSD 24:05:30:14

- a. Children's Home Society adheres to the rules and regulations of the procedural safeguards established by the state and federal guidelines. If mediation or due process procedures are requested, the responsibility would be with the referring school district. In all cases, parents are provided with information regarding their legal rights and opportunities for advocacy.
- b. In the situation that a child is a ward of the state, and a surrogate has been appointed, the surrogate will be advised of these same procedures and the agency will provide the information that they need to pursue mediation and/or due process.

Section XI. File Maintenance

Confidentiality of Information 34 C.F.R. §300.123; ARSD 24:05:29, ARSD 24:05:21:05

Records regarding migratory children with disabilities 34 C.F.R. §300.213; ARSD 24:05:21:05

Updated April 2024

Destruction of information 34 C.F.R. §300.624; ARSD 24:05:29:15

- a. District policies and procedures on confidentiality of information.
- Children's Home Society retains student records for six (6) years post discharge. Records are stored in a secure location until time of destruction. Destruction of records is completed by a secure document shredding service.

CLIENT CONFIDENTIALITY

All employees are responsible for protecting the confidentiality of client records information and communications and must adhere to the following:

- The collection of information regarding a child/family, whether by interview, observation or review of documents, will be conducted in a setting which provides maximum privacy and protects the information from unauthorized individuals.
- Names of children/families may not be divulged or implied.
- Staff must be on guard not to indirectly or inadvertently imply or reveal information about a child/family.
- Discussion of children and their cases must always be conducted in a secure environment to eliminate unauthorized persons over-hearing information. General conversation about children/families, without specific or necessary clinical purpose, shall not occur.
- Client information must remain in a confidential environment when being reviewed to safeguard against release of information to unauthorized individuals.
- Whenever an ancillary record is removed from the file cabinet, it must remain in the immediate possession, control or supervision of the individual removing the record. Records are never to be left unattended or unsecured.
- Telephone conversation must not be conducted if an unauthorized person is present in the office.
- Photographs of children taken on cell phones must be deleted immediately after photographs are printed.
- Schedules, bulletins, etc. which can be viewed by the public may not reflect a child's last name.
- Tours of and visitations of the agency must be conducted in such a manner which respects the child's confidentiality and privacy. Children may only be introduced using their first name. The child may introduce themselves using their last name, if they choose.
- When destroying written materials, discarded items must be placed in the locked shredding cabinet and will be disposed of by a bonded recycling company.
- Providing names to the news media or allowing pictures of children to be taken is prohibited, except under specific circumstances approved by the Chief Executive Officer.
- When releasing information, CHS's 'Release/Request of Information' policy must be followed.
- A child's record is the property of CHS and is professional use only.
- It is the responsibility of CHS and all staff to safeguard client information against loss, defacement, tampering, unauthorized disclosure or use by unauthorized individuals.
- HIPAA training is required for all staff on an annual basis. HIPAA privacy and security regulations will be followed.

- b. Items to be in the file at the agency
 - i. IEP (most current)
 - ii. Psychology Report (most current)
 - iii. Eligibility Document (most current)
 - iv. Notices (most current) Meeting Notice, Parental Prior Written Notice, Consent for Evaluation, etc...
 - ***If the agency is writing the IEP all required documentation
- c. The Administrative Assistant at Loving School and the Assistant Director of Schools at Owen School are responsible for maintaining student files.
- d. The student files are confidential and need to be located in a locked cabinet. Files are located in locked cabinets by the Administrative Assistant at Loving School and in the Assistant Director of School's office at Owen School.
- e. Transfer of records. The Administrative Assistant at Loving School or the Assistant Director of Schools at Owen School may share records in accordance with the Client Confidentiality policy, but all Electronic Records remain property of CHS.
- f. Destruction of information. When destroying written materials, discarded items must be placed in the locked shredding cabinet and will be disposed of by a bonded recycling company.