

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs

AGENDA ITEM: 6 – A

DATE: May 9, 2023

SUBJECT

SDSBVI Comprehensive Plan for Special Education

CONTROLLING STATUTE, RULE, OR POLICY

[ARSD § 24:05:21:01](#) – Local Education Comprehensive Plans – Contents

BACKGROUND / DISCUSSION

Each local school district and accredited school is required to annually submit a Comprehensive Plan for Special Education to the South Dakota Department of Education that details how the school will implement federal and state laws and special education regulations.

The Comprehensive Plan addresses the following major areas:

- I. Communication
- II. Child Count
- III. Timelines
- IV. Individualized Education Program (IEP)
- V. Evaluation
- VI. Individualized Education Program (IEP) Team
- VII. Parental Prior Written Notice
- VIII. Discipline Procedures
- IX. State and District Wide Assessment Procedures
- X. Procedural Safeguards
- XI. File Maintenance

In addition to this document, much of the information in the Comprehensive Plan is documented in the SDSBVI school policy handbooks.

IMPACT AND RECOMMENDATION

Each year the Board of Regents is asked to approve the Comprehensive Plan developed by SDSBVI staff. Local school boards across the state are required to approve similar plans, and since the SDBOR serves in this capacity for SDSBVI, formal Board approval is required prior to submission.

(Continued)

DRAFT MOTION 20230509_6-A:

I move to approve the South Dakota School for the Blind and Visually Impaired’s Comprehensive Plan for Special Education as presented for signature by the BOR President.

Board staff recommend approval.

ATTACHMENTS

Attachment I – SDSBVI Comprehensive Plan & Signature Page

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 South Dakota School for the Blind and Visually Impaired (SDSBVI) 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 (for purposes of this document, SDSBVI may be described as "Agency")

CERTIFICATION- I certify that I have read and reviewed the above assurance and will comply with all provisions of federal and state laws that apply to the South Dakota School for the Blind and Visually Impaired.

Signature of Authorized Official

Date

Typed Name and Title

Address/State/Zip

Telephone Number

*This page must be signed by the agency official listed above and returned to:

South Dakota School for the Blind and Visually Impaired (SDSBVI) Overview:

The South Dakota Board of Regents (BOR), the South Dakota School for the Blind and Visually Impaired (SDSBVI), and the South Dakota Department of Education Special Education Programs (SD DOE SEP) are committed to the assurance of appropriate educational services for children with disabilities as identified by the Individuals with Disabilities Education Improvement Act (IDEA) and Section 504 of the Rehabilitation Act of 1973, South Dakota Codified Law (SDCL) Chapter 13-37 (Special Assistance and Related Services), and the Administrative Rules of South Dakota (ARSD) Article 24:05 (Special Education). The SDSBVI will provide alternative placement educational programming to assist school districts to make free appropriate public education available to children whose visual impairments preclude satisfactory educational achievement in regular classes with the use of supplementary aids and services; outreach services directly and through consultation with school districts across South Dakota; lending library and related materials access for students and their families and school districts across the state; in-service training; coordinated services for students served in dual enrollment in the special school and Local Education Agency (LEA); evaluation; related technical assistance; extended school year, and transition. The DOE will ensure through compliance monitoring and the provision of ongoing technical assistance that SDSBVI is provided with the assistance to accomplish their mission of education to students with visual impairments.

All educational programs, evaluations, room and board, and other services provided by SDSBVI are provided at no cost to parents or local school districts. Districts remain responsible for travel as determined during the IEP process and for any and all additional services (i.e. OT, PT, psychological counseling, psychological testing, outside therapy, etc.) that are not conducted or covered by SDSBVI personnel or within SDSBVI's programming, but included in the IEP.

A further understanding of SDSBVI's approach to helping school districts in educating students can be found in the Interagency Agreement between SDSBVI, BOR, and SD DOE.

Section I.

Communication between the agency and district is vital to the success of the student. This includes communicating about meetings, evaluations, timelines, and etc. Identify who will be responsible for this (title and position).

The South Dakota School for the Blind and Visually Impaired (SDSBVI) Superintendent, Special Education Director, and/or designee will work with the LEA Superintendent, Special Education Director and/or designee on the communication and collaboration of meetings, evaluations, timelines, progress monitoring, and any other coordination of services.

Students, age 3-21, may be accepted and enrolled in SDSBVI Day or Residential Programs for Special Education Services. The LEA will be solely responsible for the development, monitoring, and provision of all special education services. The LEA will ensure SDSBVI is provided copies of all IDEA related documentation for the student.

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. If your agency reports child count data, explicitly state the procedures for reporting data in the state Student Information System.

The SDSBVI secretary under the supervision of the Superintendent, Special Education Director, and/or Designee will input student specific data into the statewide Student Information Management System (SIMS) for students enrolled at SDSBVI.

The SDSBVI secretary under the supervision of the Superintendent, Special Education Director, and/or Designee will work with the LEA and the South Dakota Department of Education to ensure the accuracy and reliability of the data. SDSBVI will send copies of enrollment records to the LEA upon request from the district.

SDSBVI Superintendent, Special Education Director, and/or Designee will work with the SDSBVI secretary, the LEA, and South Dakota Department of Education to address any overlaps, corrections, errors, noncompliance issues, and responses.

SDSBVI does not report a child count.

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

Explain how your agency will work with the district to ensure that these timelines are followed.

The SDSBVI Superintendent, Special Education Director, and/or designee will work with the LEA Superintendent, Special Education Director and/or designee on the communication and collaboration of annual IEP meetings, evaluations, timelines, etc. Any discrepancies in timelines will be addressed through the SDSBVI Superintendent, Special Education Director and/or designee and the LEA. SDSBVI and the LEA will work together to ensure any needed copies of documentation related to the special education processes are within the cumulative files at both SDSBVI and the LEA.

Before an LEA places or refers a child to SDSBVI, the LEA shall initiate and conduct an initial evaluation to determine if the child is a child in need of special education or special education and related services, then, if applicable, the IEP team must meet to develop an individual educational program for the child in accordance with district procedures.

IEPs will be written annually (within 365 days of the previous plan) by the IEP team. For students enrolled on campus, Case Teachers play an important role in the development and implementation of the IEP for each student assigned to them. The exact dates for the IEPs will fluctuate each year. A current IEP must be on file at the beginning of the school year. IEPs must not extend beyond 365 days in duration.

Each student must have a comprehensive evaluation completed every three years or more frequently when requested by a parent or teacher. Comprehensive evaluations must be completed within twenty-five (25) school days from the parental consent. Eligibility determination and IEP development will occur within thirty (30) calendar days after the end of the 25 school days evaluation timeline. Exceptions to noted timelines can only be permitted through evaluation extensions granted by the parent/guardian.

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. Explicitly state which entity will be the party to complete the IEP.

Taken from the SDSBVI, BOR, SD DOE Interagency Agreement:

The school district will retain responsibility for providing a free appropriate public education to each child it has placed at the special school. The parties agree that when the special schools accept a student, they will assume responsibility for delivery of services outlined in the student's existing IEP and shall continue to provide them until such time as a new IEP has been developed.

The school district will co-chair IEP teams convened at the special schools, and the school district will provide special education or special education and related services identified by the IEP team as necessary for a student's free appropriate public education but not otherwise available at the special school.

SDSBVI provides qualified certified special education staff and related services to carry out Part B of the Individuals with Disabilities Education Act. SDSBVI strives to ensure certified, licensed, or otherwise fully certified personnel, including evaluators, teachers, and related service provider such as a speech language pathologist, are employed to provide special education and related services. If a service provider is needed to carry out the student's IEP and it is not a SDSBVI staff person, the LEA is responsible for contracting with outside service provider.

SDSBVI will work cooperatively and collaboratively with the LEA to complete the processes associated with the annual IEP. SDSBVI has procedures in place to guide the team in preparation and development of the IEP. The Superintendent, Special Education Director, and/or Designee will assist to ensure that the proper procedures are followed in the development, review, and revision of each IEP. This may include completing and mailing meeting notices and other correspondence relating to development, review, or revision of IEP's, adhering to timelines, composition of the IEP team, and properly completing each section of the IEP. The LEA will be responsible to complete the Parental Prior Written Notice following all meetings and decisions related to the IEPs. South Dakota IEP Technical Assistance Guide and the South Dakota Eligibility Guide available from the Department of Education Special Education Programs will be used as references in the development, review, and revision of each IEP.

- b. The agency works directly with the student and has the 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. Describe your process of collaborating with the district to provide input into the IEP.

SDSBVI and the LEA will work together to create a draft of proposed ideas prior to the IEP meeting. The draft will be sent to the LEA and parents prior to the meeting. School Districts will be involved in the annual IEP meeting with the parents and SDSBVI staff. SDSBVI, school districts, parents, and providers will collaboratively work together to write the student's IEP. LEAs are encouraged to visit and observe students from the district within their classroom at SDSBVI to assist in keeping up to date with current needs. Progress reports will be provided to the LEA on a quarterly basis to assist them in overseeing student growth. SDSBVI and LEAs will continually monitor student's needs and progress to assist in determination of any changes to least restrictive environment is warranted.

- c. 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. Describe whether the agency or district will be responsible for reporting the progress on the goals to the parent. If the agency will be responsible, designate how this task will be completed and who the progress will be shared with the parent/student/guardian/district/etc.

SDSBVI under the direction of the Superintendent, Special Education Director, and/or Designee and the leadership of the Case Teacher with collaboration of the interdisciplinary team will complete quarterly reports/progress reports at the end of each quarter. A copy of the progress report will be mailed to the resident school district, parent, guardian, and/or surrogate parent. Additional Progress reports will be available as requested by parents or local education agencies.

- d. 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. Describe who will be providing the services (the district or agency) and the process used to ensure that the services are given to the student as designated in the IEP.

The determination and implementation of special education services, related services, and transition services will be made by the IEP team. SDSBVI will implement/coordinate the special education services, related services (as related to contracted staff at SDSBVI), and transition services as indicated by the IEP. For South Dakota students that access the transition services of Vocational Rehabilitation Services, the team will work through the Vocational Rehabilitation counselor assigned to SDSBVI unless otherwise directed by the Vocational Rehabilitation Office.

Highly specialized services that are not available at SDSBVI will be coordinated and provided by the LEA.

SDSBVI provides qualified certified special education staff and related services to carry out Part B of the Individuals with Disabilities Education Act. SDSBVI strives to ensure certified, licensed, or otherwise fully certified personnel, including evaluators, teachers, and related service provider such as a speech language pathologist, are employed to provide special education and related services. If a service provider is needed to carry out the students IEP and it is not a SDSBVI staff person the LEA is responsible for contracting with outside service providers. The LEA is responsible for any filing of Medicaid Reimbursement for students placed in the day program. SDSBVI will contribute with any documentation that is needed for this process. Students enrolled at SDSBVI will follow the academic calendar year of the SDSBVI. Extended School Year (ESY) Services will be based on the SDSBVI Calendar rather than the calendar year of the LEA.

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. Explicitly state which entity and the process that will be used to conduct the evaluations; to include the standardized, transition, and skill based.

The SDSBVI serves children who have been determined eligible by their LEA prior to being accepted for placement. The LEA is responsible for ensuring that all children with disabilities are evaluated in accordance with the following regulatory provisions:

SDSBVI has procedures in place to guide the interdisciplinary team in preparation and development of the Parental Prior Written Notice for Consent and the Comprehensive Evaluation.

The Superintendent, Special Education Director, and/or Designee will assist the LEA to ensure that the proper procedures are followed during the development of Comprehensive Evaluations. This would include working with the team, LEA, and family to determine needed areas of assessment, completing the Parental Prior Written Notice for Consent to Evaluate and working with the parent/guardian/adult student for consent for the evaluation, coordinating the completion of the needed assessments, and development of the written comprehension evaluation. Standardized assessments and skill-based assessments will be administered and used to determine the present levels of academic achievement and related developmental needs and help the IEP team determine the need for special education and related services. Transition will be assessed for all students of transition age. SDSBVI will coordinate distribution of the evaluation reports completed at SDSBVI.

SDSBVI's Superintendent, Special Education Director, and/or Designee will work with the LEA/Designee on the coordination of the completion of assessments.

The South Dakota IEP Technical Assistance Guide and Eligibility Guide, available from the Department of Education Special Education Programs, will be used as references in the development, review, and determination of eligibility.

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 - Please designate who will be conducting the meeting (district or agency). SDSBVI and the LEA will conduct the meeting with full collaboration with the parents/guardian and IEP team. Unless otherwise agreed upon, SDSBVI will assist the LEA in scheduling the meeting and will complete the meeting notice. A copy will be sent to the LEA for their cumulative file and to the parent/guardian/adult student.
- c. Location - Whether the meeting is initiated by the agency or district, describe how the parent, district, and agency will be involved.
The location of the meeting will typically be at SDSBVI unless other arrangements are made. SDSBVI has various technology available to promote participation when distance and travel are obstacles for participation. These options include dedicated conference systems and video technology.

- 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). Describe how the required attendees will be included if the meeting is being held at the agency.

SDSBVI will work with all participants to determine a mutually agreeable time for the meeting. Meeting invitations will be sent to individuals outside of SDSBVI by mail, electronic correspondence, or sent home with the student per parent and district preference. The team will make reasonable effort to promote the parent's participation in the IEP process. If after reasonable measures are taken to have the parents attend the meeting have been unsuccessful, the team will continue with the IEP meeting with the LEA. SDSBVI will continue to work with the parent to review the document via technology and through visits when they are on campus. Team members that must be excused from an IEP will be responsible for completion of an Excusal Form and document parent approval of their absence prior to the meeting. A copy of the excusal will be attached to the meeting notice and copy provided to the parents and the LEA.

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. Identify who will be responsible for the completion and delivery of these notices. (district or agency)

Unless otherwise agreed upon, SDSBVI will assist the LEA to complete and disseminate the meeting notice to all participants in the IEP team meeting, including the parents. A meeting notice will be sent to the LEA for their cumulative file.

All decisions of the team will be made jointly with the parents, SDSBVI IEP Team, and the LEA through the IEP process and will be specified on the child's IEP. The IEP will be in effect before special education and related services are provided to a child and will be implemented as determined by the dates on the Parental Prior Written Notice Form. If a parent makes a request during the IEP meeting and SDSBVI and/or the LEA declines to implement the request and a consensus is not met, the information will be documented on the Parental Prior Written Notice Form reflecting the request and will be sent to the family and SDSBVI documenting this

request and the reason why this proposed action is being declined. Additionally, the Parental Prior Written Notice Form will document additional information including proposed actions, requests that were rejected, the specific information used to assist in making decisions, and any additional information summarizing the discussions at the meeting not specifically documented within the IEP form. The LEA will complete the Parental Prior Written Notice Form during the meeting and coordinate its dissemination.

- b. The timelines of the notices are important and need to be provided to the parents within those timelines. Describe the process that will be used to ensure that the Notices are sent with adequate time.

SDSBVI maintains a database of the timelines for the Individual Education Plan and Comprehensive Evaluation. The meeting notices are generally sent out, if at all possible via student backpack, e-mail or US Mail, as soon as the proposed meeting is agreed to or the meeting is scheduled. The Parental Prior Written Notice summarizing the IEP or IEP Amendment will be handed out with the IEP to participants attending the meeting in person or at a mutually agreeable time.

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. Describe how behavior situations are handled at the agency and how the behavior will be communicated to the district.

When behavior situations arise that may or may not be addressed in the student's behavior plan, SDSBVI will work with the LEA to respond to the student's behavior needs as per SDSBVI, BOR, LEA and SD DOE policy.

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. Identify the process for providing the state assessments to the appropriate students and describe how the accommodations are utilized.

The South Dakota School for the Blind and Visually Impaired 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. All student test results are submitted to the LEA that authorized placement.

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. Identify the policies and procedures for addressing complaints and dispute resolutions.

PROCEDURAL SAFEGUARDS AND DUE PROCESS COMPLAINTS

The parties agree that DOE has the responsibility under IDEA to monitor the special schools in order to ensure compliance with IDEA. As such, the DOE has the responsibility to oversee corrective actions as a result of compliance monitoring. The parties agree that state and federal special education laws require that parents have access to due process procedures to resolve concerns about IEP plans or with the implementation of those plans. The parties agree that cooperation between the special schools and school districts will be essential to assure parents' recourse to effective decision-makers who have the financial resources to provide services found to be necessary. Each placement agreement should specify that the applicable special school and the school district will encourage parents to address concerns about IEP plans or the implementation of those plans to the special school superintendent for informal resolution. Such procedures shall not preclude the parents from requesting mediation or initiating due process complaints as permitted under ARSD 24:05:30:08.01. Due process complaints should be directed to the school district as they have the primary responsibility to provide a FAPE. In the event that a parent initiates a due process complaint, the applicable special school shall cooperate fully with the school

district in resolution sessions, or any meetings with parents to attempt to resolve the concern, in mediation sessions, if any, and in preparing for and participating in any formal hearings.

RESOLUTION OF DISPUTES BETWEEN SPECIAL SCHOOLS AND SCHOOL DISTRICTS

From time to time, disputes may arise between a special school and a school district concerning the identification, evaluation or educational placement of a child with a disability, or the provision of FAPE to the child. When such disputes cannot be resolved through other procedures, such as those established pursuant to ARSD chapter 24:05:15 (Appeals) or 24:05:30 (Procedural Safeguards), the process described herein will be available to the special schools and to school districts where IEP meetings, additional evaluations, and other procedures have failed to resolve the disputes between them. As with interagency disputes, during the pendency of this dispute resolution process, the parties will ensure that services required to provide FAPE will continue. Disputed service(s) currently being provided will continue until the outcome of the dispute resolution process. The implementation of disputed service(s) not previously provided will be pursuant to a decision reached through the following resolution process.

1. All attempts must be made to resolve disputes at the lowest possible level. Resolution attempts could include, but are not limited to: conferencing with the appropriate individuals involved or performing other fact-finding activities.
2. Mediation between the special school and the school district will be conducted at a mutually agreed-upon time and location. The cost of the mediator will be covered by the DOE. Cost of attending the mediation and representation by legal assistance is the responsibility of the affected institution or LEA.
3. When disputes cannot be resolved by mediation, a written explanation of the dispute will be sent to the Special Education Programs Director of DOE, the superintendent of the special school, and the superintendent of the LEA. These individuals, in consultation with each other, shall review the issues and make a determination as to how the dispute should be resolved. The decision will be shared in writing with each level involved within twenty (20) calendar days of receipt of request for the determination and will include reasons for the decision.
4. If a resolution is not obtained the matter will be referred to the Secretary of the South Dakota DOE and the Executive Director of the BOR. These individuals will jointly make a final determination with 30 calendar days.

INTERAGENCY DISPUTE RESOLUTION

When disputes arise between the parties that cannot be resolved through other means, the resolution process described herein will be available. During the pendency of the dispute resolution process, the parties will ensure that services, including disputed services, required to provide FAPE will continue.

1. All attempts will be made to resolve disputes at the lowest possible level.
2. When disputes cannot be resolved by the designated department representatives, a written explanation of the dispute will be sent to the Special Education Programs Director of DOE and the Superintendent of the respective special school. These individuals, in consultation with each other, shall review the issues and make a determination as to how the dispute should be resolved. The decision will be shared in writing with each level involved within twenty (20) calendar days of receipt of request for the determination and will include reasons for the decision.

3. If a resolution is not obtained through this process, then the matter will be referred to the Secretary of the DOE and the Executive Director of the BOR. These individuals will jointly make a final determination with 30 calendar days.

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

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

- a. District policies and procedures on confidentiality of information. Describe the agencies policies and procedures.

The South Dakota School for the Blind and Visually Impaired 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.

CONFIDENTIALITY POLICY

The Confidentiality Policy of the South Dakota School for the Blind and Visually Impaired guarantees:

1. The complete privacy of school records of every enrolled student or former enrolled student from unwarranted inspection by or communication to any unauthorized individual or agency.
2. Upon request, the right of the parents or legal guardians of every student and the similar right of every eligible student to read or to have read, explained and interpreted to them each and every portion of the record in the primary language of the home.
3. All parents, even those not having custody of their children, have access to each record kept on a child, unless barred by the court.
4. Parents have rights under the Family Education Rights and Privacy Act (FERPA) and also under the Individuals with Disabilities Education Act (IDEA) and will receive annual notification of those rights in the Student/Parent Handbook.
5. Copies of SDSBVI policies on confidentiality and retention and destruction of records are available in the main office during regular business hours.

EMPLOYEE ACCESS: Current confidentiality regulations limit access to student files to specific personnel, who have a legitimate educational interest in the individual child. Records may be reviewed by authorized individuals between 8:00 am and 4:00 pm, Monday through Friday and at other times and days as circumstances permit. Access by authorized SDSBVI employees is not recorded on the Records Access Monitor. If a student file is to be removed from the office area, a record consisting of the name of student, date, and name of person using file must be entered on the form provided.

PARENT/STUDENT ACCESS: Parents, legal guardians, or eligible students have the right to inspect and review any educational records collected and maintained by the SDSBVI. Access by parents is not recorded on the Records Access Monitor. The school shall comply with a written request without unnecessary delay and within forty-five (45) calendar days after a request is received. Parents, legal guardians, or eligible students requesting records for use at an Individualized Educational Planning Committee meeting, a hearing, or a hearing appeal shall be given immediate access to the requested records. The SDSBVI presumes that both parents have authority to inspect and review records relating to his/her child unless notified in writing that a parent does not have the authority under applicable state law governing such matters as guardianship, separation, divorce or custody.

- 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. Designate a staff person to be responsible for acquiring, sharing, and maintaining the documents.

SDSBVI Special Education Director and/or Designee, Case Teacher, and Educational Secretary are responsible for files of students enrolled for services on campus at SDSBVI. The most current copy of the above documents will be kept in hard copy. All documents are stored electronically in the statewide SIMS in each students respective folders.

- d. The student files are confidential and need to be located in a locked cabinet. Identify the location of the files.

Student educational records are maintained and filed in the staff workroom. Confidentiality is the shared responsibility of every staff member who works with the students at the SDSBVI. Every student's rights to privacy must be protected at all times. Those individuals who have access to the file in the central office are: Business Manager, Special Education Director, Educational Secretary, Student Services Director, and Superintendent.

When parents, legal guardians, or eligible students, because of a disability, cannot personally read the materials in the student record, a responsible adult may assist the requesting party to review the record in the presence of the administrator or administrator's representative.

- e. Transfer of records. Describe the agencies policies and procedures.

The SDSBVI will assist the LEA in transferring student records.

- f. Destruction of information. Describe the agencies policies and procedures.

IEPs must be retained by the SDSBVI for five years. Only the most current special education process documents will be in hard copy format and the entire collection will be in electronic format.