

CHECKLIST FOR APPROVAL
OF COMPREHENSIVE PLANS
FOR SPECIAL EDUCATION
May 2010

SCHOOL DISTRICT Aberdeen

EDUCATIONAL COOPERATIVE NA

A. REQUIRED COMPONENTS

I FULL PROGRAM SERVICE GOALS AND PROCEDURES-no changes

II CHILD IDENTIFICATION PROCEDURES/PROVISION OF FAPE- no changes

REFERRAL, EVALUATION, CONSENT, ELIGIBILITY AND PLACEMENT PROCEDURES

ok b. Parental Consent For Initial Evaluation

(3) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at anytime; ~~and~~

(4) If a parent revokes consent, that revocation is not retroactive, it does not negate an action that has occurred after the consent was given and before the consent was revoked; and

(5) If the parent revokes consent in writing for their child's receipt of special education services after the child is initially provided special education and related services, the local education agency is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.

ok m. Determination of needed evaluation data. As part of an initial evaluation, if appropriate, and as part of any reevaluation, the individual education program team required by district policy and other qualified professionals, as appropriate, with knowledge and skills necessary to interpret evaluation data, shall:

(1) Review existing evaluation data on the child, including:

(a) Evaluations and information provided by the parents of the child;

(b) Current classroom-based local or state assessments and observations; and

(c) Observations by teachers and related services providers; and

(2) Based on the above review and input from the student's parents, identify what additional data, if any, are needed to determine:

(a) Whether the student has a particular category of disability as described in article 24:05;

- (b) The present levels of academic achievement and related developmental needs of the student; and
- (c) Whether the student needs special education and related services.

___ ok _____ y. **Participation of student in IEP team meeting.** If a purpose of the IEP team meeting is the consideration of postsecondary goals and transition services for a student, and if the meeting is for a child with a disability beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP team, the notice also must:

- (1) Indicate that a purpose of the meeting is the consideration of the postsecondary goals and transition services for the student;
- (2) Indicate that the district will invite the student; and
- (3) To the extent appropriate, with the consent of the parents or a student who has reached the age of majority, identify any other agency that is likely to be responsible for providing or paying for transition services and that will be invited to send a representative.

Parental consent, or the consent of an eligible student who has reached the age of majority under state law, must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.

Eligibility Procedures

___ ok _____ (q) **Criteria for emotional disturbance.** A student may be identified as emotionally disturbed if the following requirements are met:

- (1) The student demonstrates serious behavior problems over a long period of time, generally at least six months, with documentation from the school and one or more other sources of the frequency and severity of the targeted behaviors;
- (2) The student's performance falls two standard deviations or more below the mean in emotional functions, as measured in school, home, and community on nationally normed technically adequate measures; and
- (3) An adverse effect on educational performance is verified through the full and individual evaluation procedures as provided in district policies and procedures.

___ ok _____ (cc) **Traumatic brain injury defined.** A traumatic brain injury is an acquired injury to the brain caused by an external physical force, resulting in a total or partial functional disability or psychosocial impairment, or both, that adversely affects a student's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not apply to brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma.

Adverse effects in educational performance must be verified through the full and individual evaluation procedures as provided in district policies and procedures.

IV. INDIVIDUALIZED EDUCATION PROGRAM

___ ok _____ 12. Parental withdrawal of consent for services. If, at any time subsequent to the initial provision of special education and related services, the parent of a student revokes consent in writing for the continued provision of special education and related services, the school district:

(1) May not continue to provide special education and related services to the student, but shall provide prior written notice in accordance with procedural safeguards procedures before ceasing the provision of special education and related services;

(2) May not use the procedural safeguards procedures, including the mediation procedures or the due process procedures, in order to obtain agreement or a ruling that the services may be provided to the student;

(3) Is not considered to be in violation of the requirement to make FAPE available to the student because of the failure to provide the student with further special education and related services; and

(4) Is not required to convene an IEP team meeting or develop an IEP under these procedures for the student for further provision of special education and related services.

_____ ok _____ 23. Graduation requirements. Completion of an approved secondary special education program with a regular high school diploma signifies that the student no longer requires special education services. A regular high school diploma does not include an alternative degree that is not fully aligned with the state's academic standards, such as a certificate or a general educational development credential (GED). Graduation from high school with a regular high school diploma constitutes a change in placement requiring written prior notice in accordance with article 24:05.

The instructional program shall be specified on the individual educational program. The individual educational program shall state specifically how the student in need of special education or special education and related services will satisfy the district's graduation requirements. The IEP team may modify the specific units of credit described in section 24:43:11:02 Accreditation and School Improvement. Parents must be informed through the individual educational program process at least one year in advance of the intent to graduate their child upon completion of the individual educational program and to terminate services by graduation.

V. LEAST RESTRICTIVE ENVIRONMENT- No changes

VI. CONFIDENTIALITY OF INFORMATION

___ ok _____ 1. Definitions. Terms used in this chapter mean:

(1) "Act," "FERPA," the Family Educational Rights and Privacy Act of 1974, as amended to January 8, 2009, enacted as section 444 of the General Education Provisions Act, as amended to January 8, 2009;

(2) "Attendance," includes:

(a) Attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom; and

(b) The period during which a person is working under a work-study program;

(3) "Biometric record," as used in the definition of personally identifiable information, a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual. Examples include fingerprints; retina and iris patterns; voiceprints; DNA sequence; facial characteristics; and handwriting;

(4) "Destruction," physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable;

(5) "Directory information," information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed, such as the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, enrollment status (e.g. full time or part time) participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees, honors, and awards received, and the most recent previous educational agency or institution attended;

Directory information does not include a student's:

(a) Social security number; or

(b) Student identification number, except as provided below.

Directory information includes a student identification number, user identification number, or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number, password, or other factor known or possessed only by the authorized user;

(6) "Disclosure," to permit access to or the release, transfer, or other communication of education records or the personally identifiable information contained in those records to any party, by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record;

(7) "Education records," records directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution. The term does not include the following:

(a) Records of instructional, supervisory, and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the

record and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;

(b) Records of a law enforcement unit of an educational agency or institution, but only if education records maintained by the agency or institution are not disclosed to the unit and the law enforcement records are maintained separately from education records, maintained solely for law enforcement purposes, and disclosed only to law enforcement officials of the same jurisdiction;

(c) Records related to an individual who is employed by an educational agency or institution that are made and maintained in the normal course of business, are related exclusively to the individual in that individual's capacity as an employee, and are not available for use for any other purpose. Records relating to an individual in attendance at the agency or institution who is employed as a result of the individual's status as a student are educational records and not excepted under this subdivision;

(d) Records on a student who is 18 years of age or older or is attending an institution of postsecondary education that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in a professional capacity or assisting in a paraprofessional capacity; made, maintained, or used only in connection with treatment of the student; and disclosed only to individuals providing the treatment. For the purpose of this section, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution; ~~and~~

(e) Records created or received by an educational agency or institution after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student; and

(f) Grades on peer-graded papers before they are collected and recorded by a teacher;

(8) "Eligible student," a student who has reached 18 years of age or is attending an institution of postsecondary education;

(9) "Institution of postsecondary education," an institution that provides education to students beyond the secondary school level;

(10) "Secondary school level," the educational level, not beyond grade twelve, at which secondary education is provided as determined under state law;

(11) "Participating agency," any agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the IDEA;

(12) "Personally identifiable information," the term includes:

(a) The student's name;

(b) The name of the student's parent or other family members;

(c) The address of the student or student's family;

(d) A personal identifier, such as the student's social security number, student number, or biometric record;

(e) Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;

(f) Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or

(g) Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates;

(13) "Record," any information recorded in any way, including handwriting, print, video or audio tape, film, microfilm, microfiche, and computer media.

VII. PROCEDURAL SAFEGUARDS

___ ok _____ 12. Content of due process complaint notice. The notice required in district policies and procedures must include:

- (1) The name of the child;
- (2) The address of the residence of the child;
- (3) The name of the school the child is attending;
- (4) In the case of a homeless child or youth, available contact information for the child, and the name of the school the child is attending;
- (5) A description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem; and
- (6) A proposed resolution of the problem to the extent known and available to the party at the time.

A party may not have a hearing on a due process complaint until the party, or the attorney representing the party, files a due process complaint that meets the requirements of this section.

___ ok _____ 33. Impartial hearing officer. A hearing may not be conducted by a person who is an employee of the department or a school district which is involved in the education or care of the child or by any person having a personal or professional interest that conflicts with the person's objectivity in the hearing.

A hearing officer shall:

(1) Possess knowledge of, and the ability to understand, the provisions of IDEA, federal and state regulations pertaining to IDEA, and legal interpretations of IDEA by federal and state courts;

(2) Possess the knowledge and ability to conduct hearings in accordance with appropriate, standard legal practice; and

(3) Possess the knowledge and ability to render and write decisions in accordance with appropriate, standard legal practice.

An individual who otherwise qualifies to conduct a hearing is not an employee of the department solely because the individual is paid by the department to serve as a hearing officer.

Each school district shall keep a list of the persons who serve as hearing officers. The list must include a statement of the qualifications of each of those persons.

___ ok ___ **37. Hearing rights.** Any party to a hearing under district policies and procedures for procedural safeguards or suspension/expulsion has the right to:

- i. Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities, except that neither party has the right to be represented by a nonattorney at a hearing;
- ii. Present evidence and confront, cross-examine, and compel the attendance of witness;
- iii. Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five business days before the hearing;
- iv. Obtain a written or at the option of the parents, electronic verbatim record of the hearing; and
- v. Obtain written, or at the option of the parents, electronic findings of fact and decisions. The public agency shall transmit those findings and decisions, after deleting any personally identifiable information, to the state advisory counsel and shall make those findings and decisions available to the public.

Parents involved in hearings must be given the right to have the child who is the subject of the hearing present and open the hearing to the public. The record of the hearing and the findings of fact and decisions must be provided at no cost to the parents.

VIII. PRIVATE SCHOOL PLACEMENT – no changes

IX. VOLUNATARY ENROLLMENT IN NONPUBLIC SCHOOLS

_ ok ___ **8. Services plan.** If a child with a disability is enrolled in a religious or other private School, by the child's parent, and will receive special education or related services from district, the district shall:

- (1) Initiate and conduct meetings to develop, review, and revise a services plan for the child, in accordance with this chapter; and

(2) Ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the district shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

X. SUSPENSION AND EXPULSION

___ ok _____ 26. Referral to and action by law enforcement and judicial authorities.

Nothing in Part B of the Individuals with Disabilities Education Act prohibits a school district or other public agency from reporting a crime committed by a student with a disability to appropriate authorities or to prevent state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability.

A school district or other public agency reporting a crime committed by a student with a disability shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom it reports the crime. A school district reporting a crime under district suspension policy may transmit copies of the student's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act, as amended to January 8, 2009.

XI. STAFF DEVELOPMENT – no changes

XII. EMPLOYMENT OF SPECIAL EDUCATION PERSONNEL

_____ ok _____ 3. Employment and advancement of qualified individuals with disabilities.

Each recipient of assistance under Part B of the IDEA must make positive efforts to employ, and advance in employment, qualified individuals with disabilities in programs assisted under Part B of the IDEA.

Note(s): The general employment practices used by a district for all personnel which address meeting the state endorsement requirements, in order to be hired, could satisfy the provisions of this section.

Local district inserts procedures for the employment of special education personnel.

The [redacted] school district/coop ensures only certified, licensed, or otherwise highly qualified personnel, including child evaluators and early childhood teachers will be employed by the school district to provide special education and related services. The district shall make positive efforts to employ and advance in employment qualified individuals with disabilities. The district will follow the same procedure for other certified staff, making sure staff work only in those areas where they are properly endorsed.

XIII. USE OF PART B FUNDS – no changes

XIV. USE OF PUBLIC BENEFITS OR INSURANCE/PRIVATE INSURANCE – no changes

XV. PERFORMANCE GOALS/INDICATORS – no changes

- XVI. STATE/DISTRICT-WIDE ASSESSMENTS – no changes
- XVII. SUSPENSION/EXPULSION RATES – no changes
- XVIII. OVERIDENTIFICATION AND DISPROPORTIONALITY – no changes
- XIX. PUBLIC INFORMATION – no changes
- XX. STUDENT INFORMATION MANAGEMENT SYSTEM (SIMS)
- no changes

_____ The _____ 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 _____ . None of the original document in black font has been changed. As indicated by signature below, the authorizing official acknowledges the district will meet all requirements of the Individuals with Disabilities Education Act and Article 24:05 through the implementation of these policies and procedures.

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 Telephone Number

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

Department of Education
Special Education Programs
700 Governors Drive
Pierre, SD 57501

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