



MITCHELL SCHOOL DISTRICT NO. 17-2  
BOARD OF EDUCATION AGENDA  
Regular Board Meeting – Monday, April 26, 2021 – 5:00 P.M.

The board meeting will be held in virtual format. Members of the public and all interested parties are invited to access the board meeting by Zoom click [here](#) or by calling 1-312-626-6799, then inputting the meeting ID: 979 1512 6344, then the Passcode: 175855. All board book materials are included on the district website, <https://www.themitchellkernels.com/> under the ‘School Board’ tab and no additional materials will be considered during the board meeting. Members of the public wishing to address the board, for example under ‘public commentary,’ will be able to do so through this telephone access.

ITEM	SUMMARY/JUSTIFICATION	RECOMMENDED ACTION
I.	Opening <ul style="list-style-type: none"><li>A. Call Meeting to Order</li><li>B. Roll Call: Christiansen, Kenkel, Musick, Olson, Putnam</li><li>C. Determination of Quorum</li><li>D. Approval of Agenda:</li></ul>	Motion to Amend: Motion to Approve:
II.	Consent Agenda: <ul style="list-style-type: none"><li>A. Board Minutes</li><li>B. Claims</li><li>C. Personnel</li><li>D. Open Enrollment</li><li>E. Conflicts of Interest</li></ul>	MOTION TO APPROVE
III.	Board Consideration to Approve Comprehensive Special Education Plan for the Mitchell School District for the 2021-22 School year.	MOTION TO APPROVE
IV.	Board Consideration to Mark 2021 Official Election and Constitutional Amendment Ballots for South Dakota High School Activities Association	MOTION TO APPROVE
V.	Board Member Report	BOARD INFORMATION
VI.	Superintendent Report	BOARD INFORMATION
VII.	Public Commentary	BOARD INFORMATION
VIII.	Board Consideration to Enter into Executive Session for the purpose of “Discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee.” (SDCL 1-25-2.(1))	MOTION TO APPROVE
IX.	Board Consideration to Set Administrator Compensation for the 2021-22 School Year	MOTION TO APPROVE
X.	Adjourn	

**MITCHELL SCHOOL DISTRICT NO. 17-2**

School Board Meeting

Agenda Item

For presentation at the April 26, 2021 meeting of the school board.

Subject: Board Consideration to Approve Consent Agenda

From: Joseph Graves, Superintendent

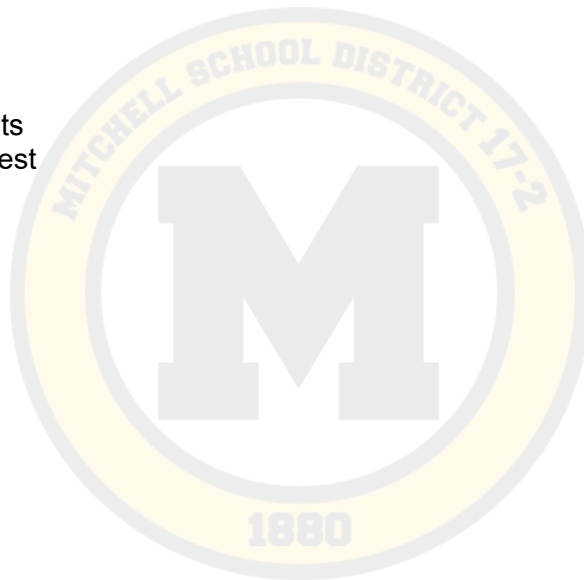
Nature of action requested from the Board:

Board Action ☒

Board Information ☐

Scheduled report ☐

- A. Board Minutes
- B. Claims
- C. Personnel
- D. Open Enrollments
- E. Conflicts of interest



Individual(s) who will attend the board meeting and speak to the item:

Joseph Graves, Superintendent

I will be able to review the item further as the school board meeting, if requested:

Name: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "Joe Graves", is written over the signature line.

Date: \_\_\_\_\_

4-26-2021

**MINUTES OF THE REGULAR MEETING  
MITCHELL SCHOOL DISTRICT 17-2  
April 12, 2021**

The regular meeting of the Board of Education was called to order by President Deb Olson at 5:00 PM in virtual format in Mitchell South Dakota, Davison County.

Roll call of members present: Deb Olson, Neil Putnam, Matthew Christiansen, Lacey Musick, and Kevin Kenkel. Absent: None. Others present: Dr. Joseph Graves Superintendent, Steve Culhane, Business Manager.

Since the meeting is being held in virtual format, all motions made are done by a roll call vote. Unless noted, all motions are passed unanimously.

**Motion #3351492**

Motion by Kenkel, seconded by Christiansen to approve the agenda as presented. Motion carried.

**Motion #3351493**

Motion by Musick, seconded by Putnam to approve the consent agenda which includes the minutes of the special board meeting on March 31, 2021. These minutes had been furnished to the Daily Republic in unapproved form all in accordance as per SDCL 13-8-35. Also on the consent agenda that was approved were the claims, and the Personnel items.

**New Certified Hires:** Claire Stroller, 4<sup>th</sup> grade/LBW, \$44,906, effective 2021-2022 school year. Joel Van Peursem, MS Instrumental/MS, \$44,750, HS Drumline, \$2,040, MS Drumline, \$1,156, Assistant Marching Band/MS Musical, \$2,040/\$1,884, effective 2021-2022 school year.

**New Classified Hires:** Mark Horan, Head Girls Golf Coach, \$4,105, effective Spring 2021. Jeffrey Meyerink, Assistant Girls Golf Coach, \$2,068, effective Spring 2021. Karli O'Connor, Assistant Trach Coach/MS, \$1,306, effective Spring 2021. **Transfers:** Zack Clement, SPED Grades 3-4/LBW to 6<sup>th</sup> Math/ELA/MS, effective 2021-2022 school year. Beth Haar, 8<sup>th</sup> ELA/MS to SPED/LBW, effective 2021-2022 school year. **Resignations:** Taylor Brekke, 0.8 Music and 0.2 Title Teacher/LO, effective end of 2020-2021 school year. Kelsie Mastel, 4<sup>th</sup> grade teacher/LBW, effective May 25, 2021. Samantha Olson, Prevention Specialist, effective June 4, 2021. Jason Gebhard, Assistant Boys Soccer Coach, effective end of 2020-2021 school year.

**Resignation/Retirement:** Barb Myers/Computer Aide/LO, effective end of 2020-2021 school year. **MTC New Hires:** Kim Mohr, Nursing Instructor, \$11,642, effective May 10, 2021 – July 31, 2021. Sarah Konrad, Nursing Instructor, \$11,343, effective May 10, 2021 – July 31, 2021. Ryan Van Zee, Accounting/Business Instructor, \$52,000, effective August 1, 2021. Maren Smith, Temp. Administrative Assistant, \$13.50/hr., effective April 19, 2021. Motion carried.

**Motion #3351494**

Motion by Kenkel, seconded by Musick to approve joining the National Cooperative Purchasing Alliance (NCPA) for the ability to purchase items that have already been competitively bid on a national scale. There is no cost to join. Motion carried.

**Motion #3351495**

Motion by Putnam, seconded by Christiansen to approve the purchasing of fitness equipment from the National Cooperative Purchasing Alliance for Fitness equipment in the amount of \$80,474.03 thru Nova Fitness Equipment out of Omaha, Nebraska. This falls under contract #08-23 Matrix Fitness under the NCPA umbrella. Motion carried.

**Motion #3351496**

Motion by Musick, seconded by Kenkel to approve the following purchase of land for the 2021-2022 MTC ADBC Site House to Firesteel Links L.L.C. in the amount of \$47,750.

Lot One (1) in Tract H, Wild Oak Golf Club Addition to the City of Mitchell, Davison County, South Dakota.

With closing fees, the total purchase came to \$49,788.50. Motion carried.

**Motion #3351497**

Motion by Putnam, seconded by Christiansen to approve the vote for Tom Farrell of Madison Central for the South East Region Board of Directors for ASBSD. Motion carried.

**Motion #3351498**

Motion by Musick, seconded by Kenkel to approve the resolution authorizing membership in the South Dakota High School Activities Association (SDHSAA) for the 2021-2022 school year. Motion carried.

**Motion #3351499**

Motion by Christiansen, seconded by Musick to table the agenda item to set Administrator compensation for the 21-22 school year until the April 26<sup>th</sup> board meeting. Motion carried.

**Motion #3351500**

Motion by Putnam, seconded by Kenkel to approve with minor changes noted during the discussion the Mitchell Middle School Handbook for the 21-22 academic year. Motion carried.

School Board members reported on the meetings they have attended since the last school board meeting.

Dr. Graves announced the following year end events were to be held:

The High School prom is being held on Saturday April 17<sup>th</sup>. MTC Graduation is being held on Friday May 7<sup>th</sup> and the HS graduation on May 23<sup>rd</sup>. State Testing is underway throughout the District and the Covid numbers had turned upwards the last several weeks but the numbers appear to be going down at this time.

There was no public commentary.

**Motion #3351501**

Motion by Musick, seconded by Christiansen to adjourn the meeting at 6:06 p.m.

Cash Balance as of February March 31, 2021

Beginning Balance, \$15,755,138

General Fund Balance \$7,422,545 Capital Outlay Balance \$2,771,244, Special Education Balance \$57,404, Mitchell Tech Balance \$3,028,999, Food Service Balance \$773,157, Driver's Ed Balance \$2,327, T/A Balance \$1,739,693, James Valley Coop Balance \$(-40,231)

Total Revenue, \$5,743,437

General Fund \$1,114,754, Capital Outlay \$783,632, Special Education \$195,204, Mitchell Tech \$2,955,103, Food Service \$191,428, Driver's Ed \$-0-, T/A \$503,316, James Valley Coop \$-0-  
Total Expenditures, \$4,673,078

General Fund \$1,611,560, Capital Outlay \$122,844, Special Education \$372,222, Mitchell Tech \$1,983,754, Food Service \$150,241, Driver's Ed \$-0-, T/A \$391,716, James Valley Coop \$40,741

Ending Balance, \$16,825,497

General Fund \$6,925,739, Capital Outlay \$3,432,032, Special Education \$(-119,614), Mitchell Tech \$4,000,348, Food Service \$814,344, Driver's Ed \$2,327, T/A \$1,851,293, James Valley Coop \$(-80,972)

Vendor Name	Invoice Description	Amount
Checking Account Id 1	Fund Number 10 General Fund	
A Ox Welding Supply Inc	Welding Supplies	115.70
Anderson, Becky	Colony Mileage	275.00
Automatic Building Controls	O/M Supplies	110.03
Bender's Sewer & Drain	Drain Cleaning	220.00
Bernard, Marilyn	Colony Mileage	275.00
Best Western Ramkota Hotel Rc	Lodging	6,203.33
Best Western Ramkota Hotel	Lodging	3,739.66
Big E Auto Service	Vehicle Service	10.72
Biggerstaff, Stacie	Jumpstart Supplies	45.00
Brad's Instrument Repair	Instrument Maintenance	2,160.25
C & B Operations Llc	Equipment Repair	1,591.64
Carpenter, Cade	Wrestling Worker	260.00
Carpenter, Travis	Wrestling Worker	450.00
Century Link	Telephone Lines	76.82
Charron, Steve	Track Official	219.52
Cornerstone Coffee House Llc,	Shocap Meeting	39.00
County Fair, Inc	Food Supplies	604.57
Cubby's Inc	Fuel	860.18
Daily Republic	Minutes, Advertising	487.73
Daily Republic	Subscription	100.00
Davison Conservation District	Trees	150.00
De Boer, Bob	Track Official	175.00
Demco Inc	Library Supplies	240.69
Desmond, Erin	Piano Accompanist	330.00
Erdmann, Danielle	Classroom Supplies	117.51
First Nat'l Bank Omaha	Travel,Program Expenses	3,563.15
Goldhammer, Angela	Colony Mileage	275.00
Grainger	O/M Supplies	1,176.26
Greenway, Doug	Wrestling Worker	200.00
Hillyard/Sioux Falls	Custodial Supplies	9,315.54
Hoffman, Denise	State Fblla	302.45
Innovative Office Solutions	Program & Office Supplies	1,664.97
Interstate All Battery Center	Batteries	86.76
Interstate Tire & Auto Center	Vehicle Maintenance,Rental	76.33
Johnson Controls	Service Call	693.87
Jones Supplies	Custodial Supplies	1,709.05
Kone Inc	Elevator Maintenance	2,251.02
Lakeshore Learning Materials	Title 1 Supplies	321.29
Loecker, Roger	Track Official	175.00
M F A S C O	Program Supplies	212.38
Mcleods Office Supply	Printed Material & Supplies	1,029.80
Menards	O/M,Program Supplies	1,307.29
Miller, Madison-Ainsley	Program Supplies	122.70
Mills, Kathy	Test Guides	34.56
Mitchell Iron & Supply Inc	O/M Supplies,Repairs	154.57
Mitchell Plumbing & Heating Inc	Service Call	112.50
Morgan, Teresa	Classroom Supplies	42.89
Musser, Jeff	Battery	7.44
Muth Electric Inc	Electrical Service,Supplies	6,400.38
Napa Auto Parts Inc	Program,O/M Supplies	61.10
Nasco	Art Supplies	72.80
Nasp Inc	Program Supplies	1,340.00
Nassp	Nat'l Affiliation Fees	480.00
Nebraska Air Filter Inc	Air Filters	2,184.90
Office Depot	Program Supplies	115.81
Palmer, Alyson	Pizza	67.92

Vendor Name	Invoice Description	Amount
Pmb 0112	Telephone Service	492.00
Popp Binding And Laminating	Laminating Film	115.20
Premier Pest Control	Pest Control	675.00
Principals' Conference, The	Registration Fees	300.00
Qualified Presort Service Llc	Postage	366.89
Rieck, Beverly	Nat'l Fccla Conference Lodging	1,121.85
Ron's Bike Shop	Service Calls,Key Blanks	326.50
S & M Printing	Printing	399.00
Sasd	Wild West Conference	160.00
Scott Supply Co Inc	Repair Parts	2,052.31
Sd Fbla	State Leadership	25.00
Seventhson Enterprises	Equipment Rental	1,225.00
Sewright, Annette	Colony Mileage	275.00
Sherwin Williams	Paint Supplies	52.38
Shop Sabre Cnc	Mctea Training	2,350.00
Skinner, Suzanne	Meals/State Fccla Conference	124.00
Southeast Area Cooperative	Registrations	370.00
Starr, Kristina	Colony Mileage	275.00
Stroup, Emma	After School Program	15.53
Subway	Meals	258.00
Sun Gold Sports Llc	Program Supplies	684.00
Teacher Direct	Supplies/Taylor Schramm	132.78
Thunes True Value	Library Supplies	57.22
Truby Hiltonrapid City	Lodging	112.00
Voyager Fleet Systems Inc	Fuel	897.48
Walmart	Program Supplies	311.38
Wendelgass, Mark	Track Official	175.00
Wenger Corp	Music Library	9,098.88
Fund Number 10		76,862.48
Checking Account Id 1	Fund Number 21 Capital Outlay	
On Sight Llc	Security Equipment	2,852.05
Fund Number 21		2,852.05
Checking Account Id 1	Fund Number 22 Special Education	
Career Connections	Contracted Services	915.15
Children's Care Hospital	Tuition	11,100.00
Children's Home Society Inc.	Tuition	565.55
Crisis Prevention Institute	Reference Materials	239.94
First Nat'l Bank Omaha	Travel,Program Expenses	33.24
James Stanfield Co., Inc.	Program Supplies	799.00
Laminator.Com Inc	Laminating Supplies	47.62
Life Quest	Tuition	1,476.53
Menards	O/M,Program Supplies	998.98
Mitchell Technical Corp Ed	Slp Conference	130.00
Remedia Publications	Classroom Supplies	164.29
Sd Dept Of Human Services	Tuition	10,978.89
Spearfish School District	Bha Tuition	1,594.53
Walmart	Program Supplies	28.80
Fund Number 22		29,072.52
Checking Account Id 1	Fund Number 23 Post Secondary	
Aama Certification	8 Ma Certification Test Fees	1,000.00
Al's Engraving	Platinum Employers Wall	6,420.00
American Garage Door	Door Repair	439.54
Anthology Inc Of Ny	Course Evaluations	550.00
Aramark	Rugs - Campus Center	438.83
Arctic Refrigeration, Inc.	Medical Lab Cooler	131.63

Vendor Name	Invoice Description	Amount
Automatic Building Controls	Service Fire Alarms	1,267.35
Avera Occupational Medicine	Drug Testing/Screening	507.00
Basin Electric Power Coop	Monthly Lease	2,389.66
Beyondtrust Corporation	Technology - Software	1,566.06
Big E Auto Service	2016 Buick Regal - Mti 77	1,936.73
Break Time Portables #1	Portable Toilet Rental	120.00
Brooks Oil Company Inc	Propane - Cdl Training Center	438.00
Brp Us Inc.	Marine Supplies	434.10
Bruinsma, Whitney	Cell Phone Stipend	225.00
Chea	Dues	350.00
Cole Papers Inc	Maintenance Supplies	270.34
Crescent Electric Supply Co	Welding Supplies	2,231.40
Daily Republic	Advertising	819.00
Dakota Pro Striping Llc	Snow Removal	425.00
Digital Compliance	Hipaa Training - Mop	76.93
Experian	Credit Bureau Services - March	22.00
Fastenal Company Inc	Wind - Outside Lab	431.11
Fuerst, Doug	Sd Electrical Council Conference	61.20
Graham Tire Company	Tires - Mti 6	807.92
Heather Jones Photography	Lpn Pinning Ceremony	500.00
Identisys Inc	Id Card Printer Supplies	11,370.44
Interstate All Battery Center	Batteries	2,130.00
Jenzabar	March Services - Dev Training	4,312.50
Jobs Hq	Employment Advertising	2,899.24
Johnson Controls	Fan Repair	14,925.19
Jones Supplies	Custodial Supplies	1,562.23
Laerdal Medical Corp	Nursing Baby/Kid	14,373.41
Lindell, Aleta	Sdla Speaking	587.58
Malloy Electric	25 Hp Motor Repairs	3,112.77
Matheson Tri-Gas Inc	Incorrect Credit Per Matheson	1,357.96
Maximum Promotions	Vinly Banner - Graduation	274.00
Menards	Hct Supplies	6,121.98
Mercury Marine	Marine Supplies - Cares Act	698.93
New Chef Fashion Inc	Instructor Coats	590.18
New Heights Consulting	Sdla - Graduation Keynote	3,500.00
Norfolk Daily News	Advertising	890.00
O'reilly Auto Parts	Diesel Power Supplies	188.43
Ponderosa Rentals	Storage Unit Rent - April	160.00
Pride Neon Sign Co	Flags	1,510.00
Repenning, Lori	Final Week Before Internships	203.53
Runnings Supply, Inc.	Diesel Power Supplies	1,667.44
Sd Department Of Labor	Wage Data Agreement	91.67
Sd Trucking Association	Sdta Membership Dues	230.00
Sisson Printing Inc	Junior Dual Credit Postcards	2,601.95
Southeast Angus Association	Bronze Sponsorship	250.00
Steam Digital Inc	Editing/Animation	4,880.00
Sturdevant's Auto Parts	Powersports - Cares Act	263.98
Swett, Anya	Cell Phone Stipend	317.00
Thompson Mechanical, Inc.	Mlt Replacement Cooler	3,789.00
Titan Machinery - Sioux Falls	Glass Window	581.40
Walmart	Program Supplies	124.94



Vendor Name	Invoice Description	Amount
Wheelco Truck & Trailer Parts	Rodeo Team Supplies	9.88
Wholesale Electronics Inc	Wifi/Broadban	26.20
Fund Number 23		109,460.63
Checking Account Id 1	Fund Number 26 Mti Enterprise Fund	
Aramark	Culinary Uniforms	458.80
Break Time Portables #1	Portable Toilet Rental	120.00
Crescent Electric Supply Co	Mctea House	15.59
J H Larson	Site House	7.91
Jones Supplies	Culinary Supplies - Cares Act	2,000.05
Menards	Site House Supplies	203.16
Morgan Theeler Llp Trust	2021-22 Adbc Site House Lot	49,788.50
Northwestern Energy	Site House	192.70
Fund Number 26		52,786.71
Checking Account Id 1	Fund Number 27 Mti - Cte Academy	
A Ox Welding Supply Inc	Welding Supplies	885.86
First Nat'l Bank Omaha	Travel,Program Expenses	86.64
Menards	Program Supplies	255.65
Renneberg Hardwoods Inc	Program Supplies	579.83
Roudabush, Karen	Program Supplies	29.69
Sturdevant's Auto Parts	Program Supplies	53.09
Fund Number 27		1,890.76
Checking Account Id 1	Fund Number 29 Mti Corporate Training	
Anderson, Dallas	Cdl Training Refund	500.00
Aramark	Ce Event Laundry	50.00
Belle Fourche School	Refund - Autumn Anderson Slp Day	50.00
Domino's/Mitchell	Ce Events	128.35
Subway	Ce Events	1,153.35
Walmart	Program Supplies	155.56
Fund Number 29		2,037.26
Checking Account Id 1	Fund Number 51 Food Service	
Aramark	Laundry Service	527.10
Arctic Refrigeration, Inc.	Equipment Repairs	74.97
Muth Electric Inc	Longfellow Dishwasher Install	3,965.00
Fund Number 51		4,567.07
Checking Account Id 1	Fund Number 52 Mti Bookstore Fund	
Akademios, Inc.	Books	603.33
Balfour	Caps, Gowns, Tassels	425.65
Crescent Electric Supply Co	Tools - Flint Hartung	(56.35)
Excel Images	Campus Store Spirit Apparel	1,104.81
Snap-On Industrial	Tools - Diesel Power	5,732.47
Walmart	Program Supplies	39.92
Fund Number 52		7,849.83



## **Personnel Items/Regular Board Meeting– April 26, 2021**

### **A. New Certified Hire:**

**Cade Bruna**- 0.8 FTE Music Teacher & 0.2 Title  
**Compensation-** \$44,750.00  
**Effective-** 2021-2022 School year

**Davis Alexandra**- ELA @ MHS  
**Compensation-** \$46,237.00  
**Effective-** 2020-21 School year

### **B. New Classified Hires:**

**Trena Porter**- General Food Service Worker @ GBR  
**Compensation-** \$12.75  
**Effective-** April 6, 2021

**Shelby Sorenson**- General Food Service @ MHS  
**Compensation-** \$12.75  
**Effective-** April 12, 2021

### **C. Transfer:**

**Kelsey Van Overschelde**- 21<sup>st</sup> Grant Co0 Director  
**Compensation-** \$10,999.00  
**Effective-** 2021-2022 School year

**Stacie Biggerstaff** 21<sup>st</sup> Grant Co- Director  
**Compensation-** \$10,999.00  
**Effective-** 2021-2022 School year

**Ryker Kreutzfeldt**- 8<sup>th</sup> Math Teacher @ MMS to Math Teacher @ MHS  
**Effective-** 2021-2022 School year

### **D. Resignation:**

**Christina Siemsen**- Assistant Track Coach  
**Effective-** End of 2020-2021 School year, pending suitable replacement

**Madison Daley**- Administrative Assistant @ LBW  
**Effective-** End of 2020-2021 School year

**Amanda Müller**- Paraeducator @ MHS  
**Effective-** May 21, 2021

### **E. MTC New Hires:**

**Ryan Van Zee**- Accounting/Business Instructor  
**Compensation-** \$55,000.00  
**Effective-** August 1, 2021

**Adams Maas**- Welding Sumer Intern/Lab Assistant  
**Compensation-** \$15.00/hr.  
**Effective-** May 17, 2021

**Andrew Rogers**- Welding Sumer Intern/Lab Assistant  
**Compensation-** \$15.00/hr.  
**Effective-** May 17, 2021

**Amy Gough**- Adjunct, ACCT 221  
**Compensation-** \$2,250.00  
**Effective-** May 17, 2021

**Julie Gross**- Adjunct, ANGL 110  
**Compensation-** \$2,250.00  
**Effective-** May 17, 2021

**Julie Hart Schutte**- Adjunct, CHRD 104  
**Compensation-** \$2,250.00  
**Effective-** May 17, 2021

**Sarah Ellis**- Adjunct, COMM210  
**Compensation-** \$4,500.00  
**Effective-** May 17, 2021

**Anne Kelly**- Adjunct, PSYC 101  
**Compensation-** \$2,250.00  
**Effective-** May 17, 2021

**Nathaniel Raak**- Adjunct, MATH 104  
**Compensation-** \$2,250.00  
**Effective-** May 17, 2021

**Annika Russell-Manke**- Adjunct, BUS 122  
**Compensation-** \$2,250.00  
**Effective-** May 17, 2021

**Ryan Van Zee**- BUS 170  
**Compensation-** \$3,000.00  
**Effective-** May 17, 2021

**Shirlyce Weisser** Adjunct, MOP 212, MOP 230, Summer 2020  
**Compensation-** \$4,500.00  
**Effective-** May 17, 2021

**Kasey Thomas**- Rad Tech Adjunct Lab Instructor  
**Compensation-** \$3,920.00  
**Effective-** May 17, 2021

**F. MTC Resignations:**

**Lori Tonak**- Instructor  
**Effective-** June 29, 2021



MITCHELL SCHOOL DISTRICT NO. 17-2  
April 26, 2021  
School Board Meeting  
Agenda Item

Subject: Board Consideration to Approve Comprehensive Special Education Plan for the Mitchell School District for the 2021-22 School Year

From: Joseph Graves, Superintendent of Schools

Nature of action requested:

Board Action ☒ X

Board Information

Scheduled report

Description of the item (including nature of the problem, program covered, impact, board action desired, etc.)

School districts are required to have a comprehensive special education plan in place to meet the educational needs of students who qualify for special education services. Our proposed plan for 2021-22, developed by special services director Tracy Christensen, can be found as supporting documentation immediately following this cover sheet.

I recommend approval of the plan at this time.

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Individual(s) who will attend the board meeting and speak to the item:

Tracy Christensen, Special Services Director  
Joseph Graves, Superintendent of Schools

I will be able to review the item further at the school board meeting, if requested:

Name: Joseph Graves, Superintendent

Date: 4.26.2021

## 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 Mitchell 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 \_\_\_\_\_. As indicated by the 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 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

Dr. Joseph Graves, Superintendent of Mitchell School District  
Typed Name and Title

821 N Capital St, Mitchell SD 57301 605-995-3010  
Address/State/Zip Telephone Number

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

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

## South Dakota LEA Comprehensive Plan: Program Narrative

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

The Mitchell 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.

- **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 on an annual basis. Exceptions to FAPE for students aged 3-21 includes those students who have graduated from high school with the regular high school diploma. In addition, the Mitchell 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.

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

The district will apply whatever federal, state, local, and private funds are available to meet its obligations for the provision of FAPE and must ensure that FAPE is provided at no cost to parents and without delay. The district may bill Medicaid for services provided for eligible students.

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

When necessary, the district will provide FAPE to students with disabilities through a public or private residential program at no cost to the parents.

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

When necessary, the district will provide assistive technology to students with disabilities and the evaluation for such at no cost to the parents. This may 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**

When necessary, the district will provide extended school year services to eligible students with disabilities at no cost to the parents.

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

To the maximum extent possible, the district will ensure that students with disabilities are allowed to participate with non-disabled peers during nonacademic services such as extracurricular activities, meals and recess. If supplementary aids and services are necessary to achieve this integration, the district will provide them.

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

To the maximum extent possible, the district will allow students with disabilities to participate in physical education classes with non-disabled peers unless a student requires specially designed physical education in the child's IEP.

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

To the maximum extent possible, the district will ensure that students with disabilities have access to the same program options as students without disabilities, such as art, music, consumer education, and vocational education.

## **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 will have in effect policies and procedures, demonstrating that the district 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.

The Mitchell 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 annually review data from state performance plan indicators and state and district wide assessments to guide decisions with regard to adjustments in its programs to ensure appropriate services to all students with disabilities.

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

The district must have in effect policies and procedures for ensuring that all children with disabilities who reside within the boundaries of the district, 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

The Mitchell School District, has in effect policies and procedures to ensure that all children with disabilities who reside within the boundaries of the district 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.

- **Use of the term developmental delay; ARSD 24:05:24:01:09**

A student three, four, or five years old may be identified as a student with a disability if the student has one of the major disabilities or if the student experiences a severe delay in development and needs special education and related services. A

student with a severe delay in development functions at a developmental level two or more standard deviations below the mean in any one area of development specified in this section or 1.5 standard deviations below the mean in two or more areas of development. The areas of development are cognitive development, physical development, communication development, social or emotional development, and adaptive development.

- **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**

The district ensures that children who may be suspected having a disability, and in need of special education, even though they are advancing from grade to grade are subject to child find requirements.

- **Children who are highly mobile, including migrant children, 300.111(c)(2).**

The district ensures that children who reside within the district and are highly mobile, including migrant children, are subject to child find requirements. The district has a system in place to review files of students moving in to the district and has a pre-referral process in place to determine needs for students.

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

The district 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

The Mitchell 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 our 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.

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

The district will ensure that each student's individualized education program will 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 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 practicable, 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 (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) 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, 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.

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

On or before a student turns 16 years of age, the district will ensure that each student's individualized education program shall include:

Transition services that are a coordinated set of activities for a student with a disability, designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the student with a disability to facilitate the student's movement from school to post school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based on the individual student's needs, taking into account the student's strengths, preferences and interests, and shall include instruction, related services, community experiences, the development of employment and other post school adult living objectives, and, if appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

Transition services for students with disabilities may be special education, if provided as specially designed instruction, or related services, if required to assist a student with a disability to benefit from special education.

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

Beginning not later than one year before a student reaches the age of majority under state law, the district ensures that each student's individualized education program will 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.

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

The district ensures that the IEP team for each student with disabilities include the following members:

(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 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 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 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) 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.

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

The district ensures that one or both parents of the child are present at each IEP 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 individual or conference telephone calls consistent with § 24:05:27:08.04.

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

The district ensures if the child is determined to be in need of special education or 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**

The district ensures in developing, reviewing, and revising each student's individualized education program, the team shall consider the strengths of the student and the concerns of the parents for enhancing the education of their student, the results of the initial or most recent evaluation of the student, the academic, developmental, and functional needs of the student. The individualized education program team also shall:

- (1) In the case of a student whose behavior impedes 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. This training will include Crisis Prevention Intervention.

- (2) 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 individualized education program;

- (3) 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 student's 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;

- (4) 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

(5) Consider whether the student requires assistive technology devices and services.

The regular 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 individualized education program, 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).

Nothing in this section requires the team to include information under one component of a student's individualized education program that is already contained under another component of the student's individualized education program. No additional information may be required to be included in a student's IEP beyond what is explicitly required in this section.

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

For children with hearing impairments, including deafness, in need of special education who wear hearing aids in school, the district ensures the IEP team shall include, as a related service, a monitoring schedule in the individual educational program to ensure the proper functioning of these corrective devices.

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

The 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
- Individual educational programs for students placed in private schools (out of district placements). 24:05:27:10
- 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

The Mitchell 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 will 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**

1. Regular educational programs with modification;
2. Resource rooms;
3. Self-contained programs;
4. Separate day school programs;
5. Residential school programs;
6. Home and hospital programs;
7. Other settings.

For each of the programs listed in this section, the IEP team shall determine the extent to which related services are required in order for the child to benefit from the program. The length of the school day shall be equal in duration to that of a regular public school day unless an adjusted school day is required in order to meet the individual needs of the child. 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.

In those cases, where placement is made in a separate day school program or residential school program, the district will abide by the school term of the facility in which the child is placed based on the individual needs of the child.

- **Placements; 300.116; ARSD 24:05:28:03**

The IEP team will ensure the following:

1. Each child's educational placement must be individually determined at least annually and must be based on the child's individual education program;
2. Provisions are made for appropriate classroom or alternative settings necessary to implement a child individual education program;
3. Unless a child's individual education plan requires some other arrangement, the child shall be educated in the school which that child would normally attend if not disabled. Other placement shall be as close as possible to the child's home;
4. Placement in the least restrictive environment will not produce a harmful effect on the child or reduce the quality of services which that child needs; and
5. A child with a disability is not removed from education in age appropriate regular classrooms solely because of needed modifications in the general education curriculum.

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

In 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 district through its IEP team and individual education program procedures, will ensure that children placed in public or private institutions or other care facilities are educated with children who are not disabled to the maximum extent appropriate.

- **Individual educational programs for students placed in private schools (out of district placements). 24:05:27:10**

Before the Mitchell School District places or refers a child in need of special education or special education and related services to a private school, facility, or a contracting district, the district shall initiate and conduct an IEP team meeting to develop an individual educational program for the child in accordance with district procedures.

The district shall ensure that a representative of the private school or facility attends the IEP team meeting. If the representative of the private school or facility cannot attend the IEP team meeting, the district shall use other methods to ensure participation, including individual or conference telephone calls.

After a child in need of special education or special education and related services enters a private school or facility, any meetings to review and revise the child's individual educational program may be initiated and conducted by the private school or facility at the discretion of the district.

If the private school or facility initiates and conducts these meetings, the district shall ensure that the parents and a district representative are involved in any decision about the child's individual educational program and agree to any proposed changes in the program before those changes are implemented.

Even if a private school or facility implements a child's individual educational program, responsibility for compliance with this section remains with the school district and the department.

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

The district will provide ongoing training to all staff and paraprofessionals to assist all in the provision of services to students with disabilities.

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

The 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 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

The Mitchell 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.

The 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 outlined in the procedural safeguards document;
- Upon receipt of the first state complaint or first due process complaint in a given school year.

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

The 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 district ensures a parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the district subject to the conditions in this section.

The district shall provide to parents, upon written request for an independent educational evaluation, information about where an independent educational evaluation may be obtained, and the district criteria applicable for independent educational 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 the 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 which the district uses when it initiates an evaluation to the extent those criteria are consistent with the parent's right to an independent educational evaluation. Each district shall provide to parents, on request, information about where an independent educational evaluation may be obtained.

For the purposes of this section, the term, independent education evaluation, means an evaluation conducted by a qualified examiner who is not employed by the district responsible for the education of the child in question. For purposes of this section, the term, public expense, means that the district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent consistent with §§ 24:05:14:01 to 24:05:14:01.05, inclusive.

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

The district ensures prior written notice will be given to the parents five days before the district proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child. The five-day notice requirement may be waived by the parents.

- **Procedural safeguards notice; 300.504; ARSD 24:05:30:06.01; ARSD 24:05:30:06.02**

The 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. The 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 outlined in the procedural safeguards document;
- Upon receipt of the first state complaint or first due process complaint in a given school year.

The district ensures the procedural safeguards notice must include a full explanation of all of the procedural safeguards available under this article and the state complaint procedures relating to:

- (1) Independent educational evaluation;
- (2) Prior written notice;
- (3) Parental consent;
- (4) Access to educational records;
- (5) Opportunity to present and resolve complaints through the due process complaint and state complaint procedures, including:
  - (a) The time period in which to file a complaint;
  - (b) The opportunity for the district to resolve the complaint; and
  - (c) The difference between the due process complaint and the state complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures;
- (6) The child's placement during pendency of any due process complaint;
- (7) Procedures for students who are subject to placement in an interim alternative educational setting;
- (8) Requirements for unilateral placement by parents of children in private schools at public expense;
- (9) The availability of mediation;
- (10) Hearings on due process complaints, including requirements for disclosure of evaluation results and recommendations;
- (11) Civil actions, including the time period in which to file those actions; and
- (12) Attorneys' fees.

The form of the notice must be consistent with § 24:05:30:06, including written evidence that the requirements in this section have been met.

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

The district ensures a parent of a child with a disability may elect to receive notices required by this chapter by an electronic mail communication.

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

The district will ensure parties are allowed to mediate disputes involving any matter under this article, including matters arising before the filing of a due process complaint, to resolve disputes through a mediation process. Procedures for mediation are as follows:

- (1) The district will 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.

The state will bear the cost of the mediation process, including the costs of meetings.

- **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**

Within 15 days of receiving notice of the parent's due process complaint, and before the initiation of a due process hearing under this chapter, the district shall convene a meeting with the parent and the relevant member or members of the IEP team who have specific knowledge of the facts identified in the due process complaint. The meeting:

- (1) Shall include a representative of the district who has decision-making authority on behalf of the district; and
- (2) May not include an attorney of the district unless the parent is accompanied by an attorney.

The parent and district will determine the relevant members of the IEP team to attend the meeting.

The purpose of the resolution meeting is for the parent of the child to discuss the due process complaint, and the facts that form the basis of the due process complaint, so that the district has the opportunity to resolve the dispute that is the basis for the due process complaint.

The resolution meeting need not be held if:

- (1) The parent and the district agree in writing to waive the meeting; or



- (2) The parent and the district agree to use the mediation process described in this chapter.

If the district has not resolved the due process complaint to the satisfaction of the parent within 30 days of the receipt of the due process complaint, the due process hearing may occur.

Except as provided in § 24:05:30:08.14, the timeline for issuing a final decision in a due process hearing begins at the expiration of the 30-day period.

Except where the parties have jointly agreed to waive the resolution process or to use mediation, notwithstanding the above two paragraphs, the failure of the parent filing a due process complaint to participate in the resolution meeting delays the timelines for the resolution process and due process hearing until the meeting is held.

- **Impartial due process hearing; 300.511; ARSD 24:05:30:09.04**

If a due process complaint is received under this chapter, the parents or the district involved in the dispute will have an opportunity for an impartial due process hearing, consistent with the procedures in this article.

- **Hearing rights; 300.512; ARSD 24:05:30:12**

Any party to a hearing, under this chapter or chapters 24:05:26 and 24:05:26.01, has the right to:

- (1) Be accompanied and advised by counsel and by individuals with special knowledge or training concerning the problems of children with disabilities, except that neither party has the right to be represented by a non-attorney at a hearing;
- (2) Present evidence and confront, cross-examine, and compel the attendance of witnesses;
- (3) 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;
- (4) Obtain a written or, at the option of the parents, electronic verbatim record of the hearing; and
- (5) 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 council 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.

- **Hearing decisions; 300.513; 300.514; 300.515; 300.516; 300.517; ARSD 24:05:30:11**

A parent or the district, if aggrieved by the decision of the hearing officer under this chapter or chapters 24:05:26 and 24:05:26.01, may bring a civil action with respect to a due process complaint notice requesting a due process hearing under the Individuals with Disabilities Education Act, 20 U.S.C. § 1415(i)(2). A civil action may be filed in either state or federal court without regard to the amount in controversy. The party bringing the action has 90 days from the date of a hearing officer's decision to file a civil action. In any action brought under this section, the court:

- (1) Shall review the records of the administrative proceedings;
- (2) Shall hear additional evidence at the request of a party; and
- (3) Basing its decision on the preponderance of the evidence, shall grant the relief that the court determines to be appropriate.

Nothing in Part B of the Individuals with Disabilities Education Act restricts or limits the rights, procedures, and remedies available under the Constitution, the Americans with Disabilities Act of 1990 as amended to July 1, 2013, Title V of the Rehabilitation Act of 1973 as amended to July 1, 2013, or other federal laws protecting the rights of children with disabilities. However, before the filing of a civil action under these laws, seeking relief that is also available under section 615 of IDEA, the procedures under this chapter for filing a due process complaint must be exhausted to the same extent as would be required had the action been brought under section 615 of IDEA.

- **Status of child during due process proceedings; 300.518; ARSD 24:05:30:14**

Except as provided in chapters 24:05:26 and 24:05:26.01, during the pendency of any administrative hearing or judicial proceeding regarding a due process complaint notice requesting a due process hearing pursuant to this chapter, the child involved will remain in the present educational placement unless the state or district and the parents agree otherwise. If the



complaint involves an application for initial admission to public school, the child, with the consent of the parents, will be placed in the public school program until the completion of all the proceedings.

If the complaint involves an application for initial services under this article from a child who is transitioning from Part C of the IDEA to Part B and is no longer eligible for Part C services because the child has turned three, the district is not required to provide the Part C services that the child had been receiving. If the child is found eligible for special education and related services under Part B and the parent consents to the initial provision of special education and related services, then the district will provide those special education and related services that are not in dispute between the parent and the district.

If the decision of a hearing officer in a due process hearing agrees with the child's parents that a change of placement is appropriate, that placement will be treated as an agreement between the state and the parents for purposes of pendency.

- **Surrogate parents; children who are wards of the state; homeless youth; 300.519; ARSD 24:05:30:15**

The district will assign a surrogate parent to ensure that the rights of a child are protected if no parent, as defined in § 24:05:13:04, can be identified and the district, after reasonable effort, cannot locate a parent or if the child is a ward of the state or the child is an unaccompanied homeless youth as defined in section 725(6) of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2009. A district's method for determining whether a child needs a surrogate parent will include the following:

1. The identification of staff members at the district or building level responsible for referring students in need of a surrogate parent;
2. The provision of in-service training on the criteria in this section for determining whether a child needs a surrogate parent; and
3. The establishment of a referral system within the district for the appointment of a surrogate parent.

If a child is a ward of the state, the surrogate parent alternatively may be appointed by the judge overseeing the child's case, if the surrogate meets the requirements of this section.

The district superintendent or designee will appoint surrogate parents.

The district will ensure that a person selected as a surrogate has no personal or professional interest that conflicts with the interest of the child the surrogate represents and has knowledge and skills that ensure adequate representation of the child. The district is responsible for the training and certification of surrogate parents and shall maintain a list of persons who may serve as surrogate parents.

A person assigned as a surrogate may not be an employee of the department, district, or any other agency that is involved in the education or care of the child.

If a child is an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents, without regard to the nonemployee provision above, until a surrogate parent can be appointed who meets all of the requirements of this section.

A person who otherwise qualifies to be a surrogate under the provisions of this section is not an employee of the agency solely because the person is paid by the agency to serve as a surrogate parent.

The surrogate parent may represent the student in all matters relating to the identification, evaluation, educational placement, and provision of FAPE to the students.

- **Transfer of rights at age of majority; 300.520; ARSD 24:05:30:16.01**

Consistent with state law, when a child with a disability reaches the age of majority that applies to all children, except for an eligible child who has been determined to be incompetent, the following will occur:

- (1) The district will provide any notice required by this article to both the individual and the parents;
- (2) All other rights accorded to parents under this article transfer to the child; and
- (3) All rights accorded to parents under this article transfer to children who are incarcerated in an adult or juvenile, state, or local correctional institution.

If a state transfers rights under this section, the district will notify the individual and the parents of the transfer of rights. If, consistent with state law, an eligible child is determined not to have the ability to provide informed consent with respect to the educational program of the child, the district will appoint the parent or, if the parent is not available, another appropriate individual to represent the educational interests of the child throughout the child's eligibility under this article.

- **Discipline procedures and manifestation determination; 300.530; ARSD 24:05:26:09.03**

Within ten school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct, the district, the parent, and relevant members of the student's IEP team, as determined by the parent and the district, will review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine:

- (1) Whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or
- (2) Whether the conduct in question was the direct result of the district's failure to implement the IEP.

The conduct must be determined to be a manifestation of the student's disability if the district, the parent, and relevant members of the student's IEP team determine that a condition in either subdivision (1) or (2) of this section was met.

If the district, the parent, and relevant members of the student's IEP team determine that the condition described in subdivision (2) of this section was met, the district shall take immediate steps to remedy those deficiencies.

Determination of setting; 300.531; ARSD 24:05:26:09.2

The student's IEP team will determine the interim alternative educational setting in which a student is placed under §§ 24:05:26:08.01, 24:05:26:02.01, and 24:05:26:09.05.

- **Right of appeal of the determination of setting; 300.532; ARSD 24:05:26:09.05**

The parent of a child with a disability who disagrees with any decision regarding:

1. placement under these procedures, or
2. the manifestation determination may request a hearing by filing a due process complaint consistent with this document.

The district that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others may request a hearing by filing a due process complaint consistent with this document.

- **Placement during appeals; 300.533; ARSD 24:05:26:09.06**

A removal of a child with a disability from the child's current educational placement is a change of placement if:

1. The removal is for more than 10 school days in a row; or
2. The child has been subjected to a series of removals that constitute a pattern because:
  - a. The series of removals total more than 10 school days in a school year;
  - b. The child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and
  - c. Of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.

The district determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

- **Protections for children not determined eligible for special education and related services; 300.534; ARSD 24:05:26:14**

A student who has not been determined to be eligible for special education and related services under this article and who has engaged in behavior that violated any rule or code of conduct of the district, including any behavior described in this chapter, may assert any of the protections provided for in this article if the district had knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred. A district is deemed to have knowledge that a student is a student with a disability if:

1. The parent of the student has expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the student, that the student is in need of special education and related services;
2. The parent of the student has requested an evaluation of the student pursuant to this article; or
3. The teacher of the student, or other personnel of the district or other public agency has expressed specific concerns about a pattern of behavior demonstrated by the student directly to the director of special education of the district or to other supervisory personnel of the district.

A district is not deemed to have knowledge that the student is a student with a disability under this section, if the parent of the student has not allowed an evaluation of the student pursuant to this article, or has refused services under this article, or the district conducted an evaluation consistent with this article and determined that the student was not a student with a disability. If the district does not have knowledge that a student is a student with a disability before taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as measures applied to students without disabilities who engaged in comparable behaviors consistent with this chapter.

If a request is made for an evaluation of a student during the time period in which the student is subjected to disciplinary measures under this chapter, the evaluation must be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the student is determined to be a student with a disability taking into consideration information from the evaluation conducted by the district and information provided by the parents, the district shall provide special education and related services in accordance with the provisions of this article including the discipline procedures and free appropriate public education requirements.

- **Referral to action by law enforcement and judicial authorities; 300.535; ARSD 24:05:26:15**

Nothing in Part B of the Individuals with Disabilities Education Act prohibits a district 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. The district reporting a crime committed by a student with a disability will 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 district reporting a crime under this chapter 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.

- **Change of placement due to disciplinary removals; 300.536; ARSD 24:05:26:02.01**

For purposes of removal of a student with a disability from the student's current educational placement under this chapter, a change of placement occurs if:

1. The removal is for more than ten consecutive school days; or
2. The student is subjected to a series of removals that constitute a pattern because:
  - a. They cumulate to more than ten school days in a school year;
  - b. Of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another; and
  - c. The student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals.

The district determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

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

The 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

The Mitchell 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).

**Consent for Initial evaluation.** The district proposing to conduct an initial evaluation to determine whether a child qualifies as a child with a disability will, after providing notice consistent with chapter 24:05:30, obtain informed consent from the parent of the child before conducting the evaluation.

Parental consent for initial evaluation may not be construed as consent for initial provision of special education and related services.

The district will make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability.

To meet the reasonable efforts requirement in this section, the district will document its attempts to obtain parental consent using the procedures in § 24:05:25:17.

**Consent for reevaluation.** Before conducting a reevaluation of an eligible child, parental consent is required, unless:

(1) The district can demonstrate that it has taken reasonable measures to obtain consent, and the child's parent has failed to respond; and

(2) The district documents its efforts to obtain consent by using the procedures consistent with § 24:05:25:17.

If the parent refuses to consent to the reevaluation, the district may, but is not required to, pursue the reevaluation by using the consent override procedures described in chapter 24:05:30 including mediation and due process hearing procedures.

- **Initial Evaluations; (Preplacement evaluations, ARSD 24:05:25:03)**

**Preplacement evaluation.** Before any action is taken concerning the initial placement of a child with disabilities in a special education program, a full and individual initial evaluation of the child's educational needs must be conducted in accordance with the requirements of this chapter. Initial evaluations must be completed within 25 school days after receipt by the district of signed parent consent to evaluate unless other timelines are agreed to by the school administration and the parents. Written evaluation reports, determination of eligibility, and conducting an IEP team meeting must be completed within 30 days from the end of the 25 school day evaluation timeline. If another timeline for completing the evaluation process is agreed to by the parent and school administration, the written evaluation reports, determination of eligibility, and conducting an IEP team meeting must be completed within 30 days from the end of agreed upon evaluation timeline.

Consistent with the consent requirements in this section, either a parent of a child or a district may initiate a request for an initial evaluation to determine whether the child is a child with a disability.

- **Screening for instructional purposes; 300.302; ARSD 24:05:25:03.03**

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation is not considered to be an evaluation for eligibility for special education and related services.

- **Re-evaluations; 300.303; ARSD 24:05:25:06**

The district will ensure that a reevaluation of each child with a disability is conducted in accordance with this chapter if the district determines that the educational or related service needs, including improved academic achievement and functional performance, of the child warrant a reevaluation or if the child's parents or teacher requests a reevaluation.

A reevaluation conducted under this section may occur not more than once a year, unless the parent and district agree otherwise, and will occur at least once every three years, unless the parent and the district agree that a reevaluation is unnecessary.

Reevaluations must be completed within 25 school days after receipt by the district of signed consent to reevaluate unless other time limits are agreed to by the school administration and the parents consistent with § 24:05:25:03.

The district will follow the procedures under § 24:05:25:04.02 when reevaluating a student for the additional purposes of:

- (1) Determining whether the child continues to have a disability and determining the educational needs of the child;
- (2) Determining the present levels of academic achievement and related developmental needs of the child;
- (3) Determining whether the child continues to need special education and related services; and
- (4) Determining whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP and to participate, as appropriate, in the general education curriculum.

If no additional data are needed to determine continuing eligibility and the child's educational needs, the district shall notify the parents of that determination and reasons for it and of the right of the parent to request an assessment, for purposes of determining the child's educational needs under this article, and to determine continuing eligibility. The district is not required to conduct an assessment unless requested to do so by the child's parents. However, a district shall follow the procedures in this chapter before determining that the child is no longer a child with a disability. The evaluation procedures described in this chapter are not required before the termination of a child's eligibility under this article due to graduation from secondary school with a regular high school diploma, or exceeding the age eligibility for FAPE.

- **Evaluation procedures; 300.304; 300.305; ARSD 24:05:25:04**

The district will ensure, at a minimum, that evaluation procedures include the following:

(1) Assessments and other evaluation materials are provided and administered in the child's native language or by another mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer. In addition, assessments and other evaluation materials:

- (a) Are used for the purposes for which the assessments or measures are valid and reliable; and
- (b) Are administered by trained and knowledgeable personnel in conformance with the instructions provided by their producer;

(2) Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient;

(3) Assessments are selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment accurately reflects the child's aptitude or achievement level or whatever other factors the assessment purports to measure, rather than the child's impaired sensory, manual, or speaking skills except where those skills are the factors which the assessment purports to measure;

(4) No single measure or assessment is used as the sole criterion for determining eligibility or an appropriate educational program for a child;

(5) A variety of assessment tools and strategies are used to gather relevant functional, developmental, and academic information about the child, including information provided by the parents that may assist in determining:

- (a) Whether the child is a child with a disability; and
- (b) The content of the child's IEP, including information related to enabling the child:
  - (i) To be involved in and progress in the general education curriculum; or
  - (ii) For a preschool child, to participate in appropriate activities;

(6) Technically sound instruments, assessment tools, and strategies are used that:

(a) May assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors; and

(b) Provide relevant information that directly assists persons in determining the educational needs of the child;

(7) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities; and

(8) The evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.

Assessments of children with disabilities who transfer from one district to another district in the same school year are coordinated with those children's prior and subsequent schools, as necessary and as expeditiously as possible, consistent with § 24:05:25:03.01, to ensure prompt completion of full evaluations.

- **Determining eligibility; 300.306; ARSD 24:05:25:04.03**

Upon completing the administration of assessments and other evaluation measures as required by this chapter, the individual education program team and other qualified individuals will determine whether the student is a student with a disability, and will determine the educational needs of the child, as defined in this article. The district will provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent. A student may not be determined to be a student with a disability if the determinant factor for that decision is lack of appropriate instruction in reading, including the essential components of reading instruction as defined in ESEA, or lack of appropriate instruction in math or limited English proficiency and if the student does not otherwise meet the eligibility criteria under chapter § 24:05:24.01.

In interpreting evaluation data for the purpose of determining eligibility and determining the educational needs of the child in making placement decisions, including decisions regarding preschool children, the district will do the following:

- i. Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;
- ii. Ensure that information obtained from all of these sources is documented and carefully considered;
- iii. Ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options;
- iv. Ensure that the placement decision is made in conformity with the least restrictive environment rules in district policy; and
- v. Ensure that the parents of each child with a disability are members of any group that makes decisions on the educational placement of their child.

If a determination is made that a child is disabled and needs special education and related services, an individual education program must be developed for the child in accordance with least restrictive environment requirements.

- **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**

1. Documentation of eligibility for specific learning disabilities. For a child suspected of having a specific learning disability, the documentation of the determination of eligibility will contain a statement of:

- (1) Whether the child has a specific learning disability;
- (2) The basis for making the determination, including an assurance that the determination has been made in accordance with this section;
- (3) The relevant behavior, if any, noted during the observation of the child and the relationship of that behavior to the child's academic functioning;
- (4) The educationally relevant medical findings, if any;
- (5) Whether:
  - (a) The child does not achieve adequately for the child's age or does not meet state-approved grade-level standards; and
  - (b) The child does not make sufficient progress to meet age or state approved grade-level standards; or the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade level standards or intellectual development.
- (6) The determination of the group concerning the effects of a visual, hearing, or motor disability; cognitive disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency on the child's achievement level;
- (7) If the child has participated in a process that assesses the child's response to scientific, research-based intervention:
  - (a) The instructional strategies used and the student-centered data collected; and
  - (b) The documentation that the child's parents were notified about:
    - (i) The state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided;
    - (ii) Strategies for increasing the child's rate of learning; and
    - (iii) The parent's right to request an evaluation;
- (8) If using the discrepancy model, the group finds that the child has a severe discrepancy of 1.5 standard deviations between achievement and intellectual ability in one or more of the eligibility areas, the group shall consider regression to the mean in determining the discrepancy; and

(9) If using the response to intervention model for eligibility determination, the group shall demonstrate that the child's performance is below the mean relative to age or state approved grade level standards.

2. Group members to certify report in writing. Each group member shall certify in writing whether the report reflects his conclusion. If it does not reflect a group member's conclusion, the group member must submit a separate statement presenting his conclusions.

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

The district 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

The Mitchell 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**

The district will annually notify parents of students currently in attendance at the agency or institution of their rights under the Family Educational Rights and Privacy Act (Act) and this section. The notice must inform the parent or eligible student that the parent or eligible student has a right to do the following:

- a. Inspect and review the student's education records;
- b. Seek amendment of the student's education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;
- c. Consent to disclosure of personally identifiable information contained in the student's educational records, except to the extent that the Act and the regulations in this section authorize disclosure without consent;
- d. File with the U.S. department of education a complaint concerning alleged failures by the agency or institution to comply with the requirements of the Act and this section;

The notice will also include the procedures for exercising the right to inspect and review education records, the procedures for requesting the amendment of records and, if the educational agency or institution has a policy of disclosing education records, a specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

The district may provide this notice by any means that are likely to inform the parents and eligible students of their rights and that will effectively notify parents of students who have a primary or home language other than English, and parents or eligible students who are disabled.

- **Access rights; 300.613; ARSD 24:05:29:04**

The district will permit parents to inspect and review any education records relating to their student which are collected, maintained, or used by the agency under this section. The district will comply with a request without unnecessary



delay and before any meeting regarding an individual education program or hearing relating to the identification, evaluation, or placement of the student, or discipline hearing or resolution session and in no case more than 45 calendar days after the request has been made. The right to inspect and review education records under this section includes the following:

- a. The right to response from the district to reasonable requests for explanations and interpretations of the records;
- b. The right to request that the district provide copies of the records containing the information if failure to provide these copies would effectively prevent the parent from exercising the right to inspect and review the records; and
- c. The right to have a representative of the parent inspect and review the records.

The district may presume that the parent has authority to inspect and review records relating to his child unless the agency has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation, divorce, or custody.

- **Record of Access; 300.614; ARSD 24:05:29:05**

The district will keep a record of parties obtaining access to education records collected, maintained, or used under this section, except access by parents and authorized employees of the district, including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

A parent or eligible student may inspect this record on request.

- **Records on more than one child; 300.615; ARSD 24:05:29:06**

If any education record includes information on more than one child, the parents of those children may inspect and review only the information relating to their child or to be informed of that specific information.

- **List of types and locations of information; 300.616; ARSD 24:05:29:07**

The district will provide parents on request a list of the types and locations of education records collected, maintained, or used by the district.

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

The district may charge a fee for copies of records which are made for parents under this section if the fee does not effectively prevent the parents from exercising their right to inspect and review those records. The district may not charge a fee to search for or retrieve information under this section.

- **Amendment of records at parents' request; 300.618; ARSD 24:05:29:09**

A parent who believes that information in education records collected, maintained, or used under these rules is inaccurate or misleading or violates the privacy or other rights of the student may request the district which maintains the information to amend the information.

The district will decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request. If the district decides to refuse to amend the information in accordance with the request, it will inform the parent of the refusal and advise the parent of the right to a hearing.

- **Opportunity for a hearing; 300.619; ARSD 24:05:29:10**

The district will, on request, provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student.

- **Result of hearing and hearing procedures; 300.620-621; ARSD 24:05:29:12**

At a minimum, the district's hearing procedures must include the following elements:

- a. The hearing must be held within 30 days after the district received the request, and the parent of the student or eligible student will be given notice of the date, place, and time 5 days in advance of the hearing;



- b. The hearing may be conducted by any party, including an official of the district, who does not have a direct interest in the outcome of the hearing;
- c. The parent of the student or eligible student will be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or be represented by individuals of his choice at his own expense, including an attorney;
- d. The district will make its decision in writing within 30 days after the conclusion of the hearing. The decision of the district will be based solely upon the evidence presented at the hearing and will include a summary of the evidence and the reasons for the decision.

If, as a result of the hearing, the district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it will amend the information accordingly and inform the parents in writing.

If, as a result of the hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it will inform the parents of the right to place in the records it maintains on the student a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the district.

Any explanation placed in the records of the student under this section must be maintained by the district as part of the records of the student as long as the record or contested portion is maintained by the district. If the records of the student or the contested portion is disclosed by the district to any party, the explanation must also be disclosed to the party.

- **Parental Consent for release of records; 300.622; ARSD 24:05:29:13**

Parental consent must be obtained before personally identifiable information is disclosed to parties other than officials of participating agencies collecting or using the information under article 24:05 or used for any purpose other than meeting a requirement under this chapter, unless the information is contained in education records and the disclosure is authorized without parental consent under FERPA. The district may not release information from education records to participating agencies without parental consent except as follows:

- (1) An educational agency or institution may disclose personally identifiable information from the education records of a student without the written consent of the parent of the student or the eligible student if the disclosure is to other school officials, including teachers, within the educational institution or local educational agency who have been determined by the agency or institution to have legitimate educational interests or to officials of another school or school system in which the student seeks or intends to enroll, subject to the requirements set forth in subdivision of this section; and
- (2) An educational agency or institution that discloses the education records of a student pursuant to subdivision (1) of this section will make a reasonable attempt to notify the parent of the student or the eligible student at the last known address of the parent or eligible student, unless the disclosure is initiated by the parent or eligible student.

If the agency or institution includes in its annual notice of parent's rights that it is the policy of the public agency to forward education records on request to a school in which a student seeks or intends to enroll, then the public agency does not have to provide any further notice of the transfer of records.

Notwithstanding the FERPA exceptions for releasing information from education records without parental consent, including the annual notice provision, if a student is enrolled, or is going to enroll in a private school that is not located in the district of the parent's residence, parental consent must be obtained before any personally identifiable information about the student is released between officials in the district where the private school is located and officials in the district of the parent's residence.

An educational agency receiving personally identifiable information from another educational agency or institution may make further disclosures of the information on behalf of the educational agency without the prior written consent of the parent or eligible student if the conditions of subdivisions (1) and (2) of this section are met and if the educational agency informs the party to whom disclosure is made of these requirements.

- **Safeguarding of records; 300.623; ARSD 24:05:29:14**

The district will protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. Officials in the district will assume responsibility for ensuring the confidentiality of any personally

identifiable information. All persons collecting or using personally identifiable information must receive training or instruction regarding the provisions of this section concerning personally identifiable information.

The district will maintain for public inspection a current listing of the names and positions of those employees within the district who may have access to personally identifiable information on student in need of special education or special education and related services.

- **Destruction of information; 300.624; ARSD 24:05:29:15**

The district will inform parents when personally identifiable information collected, maintained, or used under this section is no longer needed to provide educational services to the student. The information no longer needed must be destroyed at the request of the parents. However, a permanent record of the student's name, address, and phone number, the student's grades, attendance record, classes attended, and grade level completed may be maintained without time limit.

- **Children's rights; transfer at the age of majority; 300.625; ARSD 24:05:29:16**

All of the parental rights in this section are extended to the child upon reaching the age of 18 unless the child has been declared incompetent by the courts, consistent with the transfer of student rights at age of majority, including taking into consideration the type or severity of a child's disability.

- **Enforcement; Policy and Procedure; 300.626; ARSD 24:05:29:17**

The department of education, special education programs, is the entity responsible for ensuring the district complies with the requirements on confidentiality of information through on-site monitoring, approval of comprehensive plans, and complaint resolution. Sanctions for noncompliance include the disapproval of local special education programs and the withholding of state and federal funds.

- **Transfer of records for migratory children with disabilities; 300.213; ARSD 24:05:21:05**

The district will cooperate in the U.S. Secretary of Education's efforts under section 1308 of the ESEA to ensure the linkage of records pertaining to migratory children with disabilities for the purpose of electronically exchanging, among the states, health and educational information regarding those children.

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

The 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.

The Mitchell 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 in place at the time of their third birthday, an appropriate IEP or IFSP for the provision of special education and related services has been developed and implemented. The district participates in transition planning conferences as coordinated by the local Part C agency.

The State Part C coordinator contacts the district to alert them of the child turning 3. Several months before a B-3 child turns 3, the district will initiate evaluation procedures to determine potential eligibility for Part B and they will hold an eligibility meeting at least 90 days, but not more than 9 months prior to the child turning 3. This evaluation planning includes contact and input from the child's family. When the child turns 3, the district will begin monitoring progress through quarterly progress notes.

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

The 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 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

The Mitchell School District ensures compliance with 34 CFR 300.129 through 300.148, governing private school placements within the boundaries of the district. Through consultation with private school representatives, the district ensures that it will 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 will 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**

The district understands that parentally-placed private school children with disabilities are defined as children with disabilities whose parents have unilaterally enrolled them in private schools (including religious schools) that meet the state definition of elementary or secondary schools.

- **Child find for parentally-placed private school children with disabilities; 300.131; ARSD 24:05:32:01.01**

The district understands that it is responsible for conducting child find activities in private schools that happen to be within the boundaries of the district and must maintain records regarding the number of children evaluated, the number of children found to have a disability, and the number of children served.

- **Provision of services for parentally-placed private school children with disabilities; 300.132; ARSD 24:05:32:03.01**

The district will write a service plan to guarantee the services for parentally-placed private school children with disabilities, with a representative of the private school in attendance (or participating by phone).

- **Expenditures for parentally-placed private school children with disabilities; 300.133; ARSD 24:05:32:01:02**

The district will spend an amount, proportional to federal subgrants received, for the special education of children with disabilities in parentally-placed private schools within the district. If there are any excess funds, they may be carried over to a maximum of one year.

- **Consultation process with private schools attended by children with disabilities; 300.134; ARSD 24:05:32:01:05**

When deciding how to spend federal funds designated for children with disabilities parentally-placed in private schools, the district will consult with private school representatives and representatives of parents of parentally-placed private school children with disabilities.

- **Written affirmation by private school officials of meaningful consultation; 300.135; ARSD 24:05:32:01:06**

Following the consultation, the district will seek to acquire written affirmation by private school officials of the meaningful consultation that took place. If the private school does not provide written affirmation, the district will forward documentation of the consultation process to the department.

- **Compliance; rights of private school officials to submit a state complaint; 300.136; ARSD 24:05:32:01:07**

The district understands that private school officials have the right to submit a state complaint about consultation or other related matters. If this occurs, the district will forward its relevant documentation to the department.

- **Determination of equitable services for parentally-placed private school students with disabilities; 300.137; ARSD 24:05:32:03:02**

The district determines the services for parentally-placed private school students with disabilities through the general process agreed through consultation with the private school officials and representative parents. Then specific services are written through the services plan created for each child.

- **Provision of equitable services for parentally-placed private school students with disabilities; 300.138; ARSD 24:05:32:03:02**

The district agrees to provide the same quality of personnel and services for private school students as would have been provided for public school students. Additionally, the services, material, and equipment must be secular, neutral, and nonideological. However, the amount of services may be less than what would have been received had the student been enrolled in the public district.

- **Location of services and transportation; 300.139; ARSD 24:05:32:03:03**

The district understands that special education and related services may be provided at the private school site, but the district may not be required to transport students with disabilities from the home to the private school site.

- **Due process complaints and state level complaints; 300.140; ARSD 24:05:32:03:04**

The district understands that even though due process complaints and hearings would not occur related to the provision of special education services for parentally-placed private school students with disabilities, they could occur related to child find.

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

The district understands that it may use funds to make personnel available for the provision of special education and related services in private schools.

- **Prohibition on separate classes; 300.143; ARSD 24:05:32:11**

The district understands that it is not allowed to use the funds to create separate classes to segregate children with disabilities separately.

- **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**

The district understands that it is still responsible to account for property, equipment, and supplies placed in private schools for parentally-placed private school students with disabilities. Such inventory will be removed from the private school when it is no longer needed there.

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

The district understands that it is still responsible for Child Find for students placed in private schools by public agencies, but the state is responsible for the costs of special education and related services.

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

The district understands that if a student with a disability is placed in a private school because the district could not provide FAPE, then the district may be responsible for the costs of the education.

**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 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

The Mitchell 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**

The district will establish, maintain, and implement procedural safeguards which meet the requirements of the chapter ARSD 24:05:30.

- **State complaint procedures; 300.151-153; ARSD 24:05:15**

A complaint is a written signed statement by an individual or organization, including an individual or organization from another state, containing a statement that the department of education or a district has violated a requirement of federal or state statutes, rules, or regulations that apply to a program and a statement of the facts on which the complaint is based. The complaint must allege a violation that occurred not more than one year before the date the complaint is received by the department. The written signed statement shall also include:

- (1) The signature and contact information for the complainant; and
- (2) If alleging violations with respect to a specific child:
  - (a) The name and address of the residence of the child;
  - (b) The name of the school the child is attending;
  - (c) 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;
  - (d) A description of the nature of the problem of the child, including facts related to the problem; and
  - (e) A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed.

An organization or individual may file a written, signed complaint with the state director of special education. The party filing the complaint shall forward a copy of the complaint to the district serving the child at the same time the party files the complaint with the department.

If the complaint is against a district, the following steps shall be taken:

(1) The state director of special education shall appoint a complaint investigation coordinator from the department's special education programs. The coordinator and any consultants may conduct an independent on-site investigation if it determines that one is necessary;

(2) The complainant may submit additional information, either orally or in writing, about the allegations in the complaint;

(3) The district may respond to the complaint, including, at a minimum:

(a) At the discretion of the district, a proposal to resolve the complaint; and

(b) An opportunity for a parent who has filed a complaint and the district to voluntarily engage in mediation consistent with this article;

(4) The complaint coordinator and any consultants shall make a recommendation to the state director of special education;

(5) After reviewing all relevant information, the state director of special education shall make an independent determination as to whether the complaint is valid, what corrective action is necessary to resolve the complaint, and the time limit during which corrective action is to be completed. The state director of special education shall submit a written report of the final decision to all parties involved;

(6) The written report shall address each allegation in the complaint, contain findings of fact and conclusions, and include reasons for the final decision;

(7) If the complaint is valid, the state director of special education shall find the district out of compliance with federal and state statutes and rules;

(8) If corrective action is not completed within the time limit set, including technical assistance and negotiations, the department shall withhold all federal funds applicable to the program until compliance with applicable federal and state statutes and rules is demonstrated by the district;

(9) When the district demonstrates completion of required correction action, the department's Office of Finance and Management shall be notified by the state director of special education, and all moneys withheld shall be paid to the district; and

(10) Documentation supporting the corrective actions taken by a district shall be maintained by the department's special education programs and incorporated into the state's monitoring process.

All complaints must be resolved within 60 days after receipt of the complaint by the state director of special education except as stated in this section. The time limit of 60 days may be extended only under exceptional circumstances as determined by the state director of special education, such as the need for additional time to provide necessary information. Under these circumstances, an extension of time may not exceed 30 days in any one instance.

In addition, the 60-day time limit may be extended, if the parent, individual, or organization and the district involved in the complaint agree to engage in mediation in order to attempt to resolve the issues specified in the complaint.

The South Dakota Department of Education, Special Education Programs, shall inform parents and other interested individuals, including parent training centers, protection and advocacy agencies, independent living centers, and other appropriate entities about the state's complaint procedures by taking the following actions:

(1) Conducting parent surveys through the state's monitoring process;

(2) Providing copies of the state's procedures to parent and advocacy groups across the state;

(3) Notifying local districts through statewide memoranda;

(4) Presenting state procedures at statewide conferences; and

(5) Disseminating copies to parent training and information centers, independent living centers, protection and advocacy agencies, and other appropriate entities.

If a written complaint is received that is also the subject of a due process hearing under this article or contains multiple issues, of which one or more are part of that hearing, the department shall set aside any part of the complaint that is being addressed in the due process hearing until the conclusion of the hearing. However, any issue in the complaint that is not a part of the due process action must be resolved using the time limit and procedures described in this chapter.

If an issue is raised in a complaint filed under this section that has previously been decided in a due process hearing involving the same parties, the hearing decision is binding on that issue and the department shall inform the complainant to that effect. A complaint alleging a district's failure to implement a due process decision must be resolved by the department.

**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 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

The Mitchell 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**

The district may use Medicaid or other public benefits or insurance program in which a student participates to provide or pay for services required under this article as permitted under the public benefits or insurance program, except as provided in this section. With regard to services required to provide FAPE to an eligible student under this article the public agency:

- (1) May not require parents to sign up for or enroll in public benefits or insurance program in order for their student to receive FAPE under Part B of the IDEA;
- (2) May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided pursuant to this article, but pursuant to § 24:05:14:01.06, may pay the cost that the parent otherwise would be required to pay;
- (3) May not use a student's benefits under a public benefits or insurance program if that use would:
  - (a) Decrease available lifetime coverage or any other insured benefit;
  - (b) Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school;
  - (c) Increase premiums or lead to the discontinuation of benefits or insurance; or
  - (d) Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures;
- (4) Must provide written notification to the student's parents pursuant to § 24:05:14:01.04; and
- (5) Must obtain written parental consent consistent with § 24:05:29:13 before accessing a student's or parent's public benefits or insurance for the first time specifying:
  - (a) Personally identifiable information, as defined in § 24:05:29:02(12), that may be disclosed (e.g., records or information about the services that may be provided to a particular student);
  - (b) The purpose of the disclosure (e.g., billing for services under this article);
  - (c) That disclosure will be made to the state Medicaid agency; and
  - (d) That the parent understands and agrees that the public agency may access the parent's or student's public benefits or insurance to pay for services under this article.

Before accessing a student's or parent's public benefits or insurance for the first time, and annually thereafter, the district will provide written notification consistent with § 24:05:30:06 to the student's parents that includes a statement:

- (1) Of the parental consent and no cost requirements in § 24:05:14:01.03;
- (2) That parents have the right under FERPA, as defined in § 24:05:29:02(1), and Part B of the IDEA to withdraw their consent to disclosure of their student's personally identifiable information to the state Medicaid agency at any time; and
- (3) That the withdrawal of consent or refusal to provide consent under FERPA and Part B of the IDEA to disclose personally identifiable information to the state Medicaid agency does not relieve the district of its responsibility to ensure that all required services are provided at no cost to the parents.

- **Restrictions and requirements on accessing private benefits; 300.154(e); ARSD 24:05:14:01.03**

With regard to services required to provide FAPE to an eligible student under this article, the district may access a parent's private insurance proceeds only if the parent provides informed consent consistent with this article. Each time the district proposes to access the parent's private insurance proceeds, it will:

- (1) Obtain parent consent in accordance with this article; and
- (2) Inform the parents that their refusal to permit the public agency to access their private insurance does not relieve the public agency of its responsibility to ensure that all required services are provided at no cost to the parents.



- **Use of Part B funds for services when parent consent is unable to be obtained; 300.154(f); ARSD 24:05:14:01.06**

If the district is unable to obtain parental consent to use the parent's private insurance, or public benefits or insurance if the parent would incur a cost for a specified service required under this article, to ensure FAPE, the district may use funds obtained through Part B of IDEA to pay for the service.

To avoid financial cost to parents who otherwise would consent to use private insurance, or public benefits or insurance if the parent would incur a cost, the district may use funds obtained through Part B of IDEA to pay the cost the parents otherwise would have to pay to use the parent's benefits or insurance (e.g., the deductible or co-pay amounts).

Proceeds from public benefits or insurance or private insurance may not be treated as program income for purposes of 34 C.F.R. § 80.25.

If the district spends reimbursements from federal funds (e.g., Medicaid) for services under this article, those funds are not considered "state or local" funds for purposes of the maintenance of effort provisions in this article.

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

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

The Mitchell 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 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).

The Mitchell School District ensures that appropriately certified and/or licensed professionals 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.

- **Personnel qualifications; ARSD 24:05:16:16**

To ensure that all personnel necessary to carry out the purposes of Part B and Part C of the Individuals with Disabilities Education Act are appropriately and adequately prepared and trained, including ensuring that those personnel have the content knowledge and skills to serve children with disabilities, the department shall determine that all personnel providing special education or related services, including related services, paraprofessionals and assistants, early intervention, and early childhood personnel, perform these functions under state-approved or state-recognized certification or licensure or other comparable requirements that apply to the area in which the person is providing special education or related services. The department shall ensure that related services personnel who deliver services in their discipline or profession meet the requirements of this section and have not had certification or licensure requirements waived on an emergency, temporary, or provisional basis.

- **Paraprofessionals and assistants; ARSD 24:0516:16:01**

Paraprofessionals and assistants who are appropriately trained and supervised in accordance with this section may be used to assist in the provision of special education and related services to children with disabilities under Part B of the Individuals with Disabilities Education Act. At a minimum, the following standards must be met:



- (1) Paraprofessionals must have a high school diploma or GED;
- (2) Paraprofessionals must work within defined roles and responsibilities as identified by the district;
- (3) Paraprofessionals must work under the supervision of, and be evaluated by, certified staff; and
- (4) Each district must describe the training to be provided paraprofessionals in the staff development component of the district's comprehensive plan under § 24:05:16:05.

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

The 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)**

The Mitchell 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 goals and indicators, and will submit such data on a timely basis. District personnel responsible for data submission may include district administrators and clerical staff.

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

The district will ensure that all children with disabilities are included in all general State and district wide 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).

The Mitchell 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 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**

The Mitchell 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 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 district will make available to parents of children with disabilities and the general public all documents relating to the district eligibility under Part B of the IDEA.

The district makes all public records available upon request during normal business hours.

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

The 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.

The Mitchell 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 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

The Mitchell 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**

The department shall examine data, including data disaggregated by race and ethnicity, from local education agencies and other state agencies, as appropriate, to determine whether significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities among local educational agencies in the state or compared to the rates for nondisabled children within the agencies. If discrepancies are occurring, the department shall review and, if appropriate, revise or require the affected local education agency or state agency to revise its policies, procedures, and practices relating to:

- (1) The development and implementation of individualized education programs;
- (2) The use of positive behavioral interventions and supports; and
- (3) Procedural safeguards to ensure that these policies, procedures, and practices comply with the Individuals with Disabilities Education Act, Part B.

The district will submit data on suspension and/or expulsion with students with disabilities on an annual basis. If significant discrepancies are occurring, the district may be required to revise its policies, procedures, and practices relating to the development and implementation of IEP's, the use of positive behavioral interventions and supports, and procedural safeguards, to ensure that such policies, and practices comply with federal and state statute, rules, and regulations.

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

The information required in the district's comprehensive plan coupled with statements of expenditures, descriptions of the annual use of IDEA, Part B funds, and certification of federal assurances establish a district's eligibility for funds under the Individuals with Disabilities Education Act, Part B.

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

The department shall adopt the National Instructional Materials Accessibility Standard (NIMAS), for the purposes of providing instructional materials to blind persons or other persons with print disabilities. Blind persons or other persons with print disabilities means children served under this article who qualify to receive books and other publications produced in specialized formats in accordance with the federal Act to Provide Books for Adults who are Blind, in accordance with 2 U.S.C. 135a, as amended to January 1, 2007.

In implementing NIMAS, the department shall coordinate with the National Instructional Materials Accessibility Center (NIMAC), and the department:

(1) As part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of print instructional materials, shall enter into a written contract with the publisher of the print instructional materials to:

(a) Require the publisher to prepare and, on or before delivery of the print instructional materials, provide to NIMAC electronic files containing the contents of the print instructional materials using the NIMAS; or

(b) Purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats;

(2) Shall provide instructional materials to blind persons or other persons with print disabilities in a timely manner.

In carrying out this section, the district, to the maximum extent possible, shall work collaboratively with the state agency responsible for assistive technology programs.

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

The department shall provide for the collection and examination of data to determine whether any inappropriate over-identification or significant disproportionality based on race and ethnicity is occurring in the state and in districts of the state with respect to:

(1) The identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in chapter 24:05:24.01;

(2) The placement in particular educational settings of these children; and

(3) The incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

In the case of a determination of inappropriate over-identification or significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular settings of these children, the department shall provide for the review of and, if appropriate, revision of the policies, procedures, and practices used in the identification or placement to ensure compliance with the requirements of Part B of the Individuals with Disabilities Education Act; require any district identified under this section to reserve the maximum amount of funds allowable to provide comprehensive coordinated early intervening services to serve children in the district, particularly, but not exclusively, children in those groups that were significantly over-identified under this section; and require the district to publicly report on the revision of policies, practices, and procedures described under this section

The district will submit annual child count data on the identification of students with disabilities. In the case of a determination of inappropriate over-identification or significant disproportionality with respect to the identification of children with disabilities, or the placement in particular settings of these children, the department shall provide for the review of and, if appropriate, revision of the policies, procedures, and practices used in the identification for placement to ensure compliance with the requirements of Part B of the Individuals with Disabilities Education Act; require any district identified under this section to reserve the maximum amount of funds allowable to provide comprehensive coordinated early intervening services to children in the district, particularly, not exclusively, children in those groups that were significantly over-identified under this section: and require the district to publically report on the revision of policies, practices, and procedures described under this section.

MITCHELL SCHOOL DISTRICT NO. 17-2

April 26, 2021

School Board Meeting

Agenda Item

Subject: Board Consideration to Mark 2021 Official Election and Constitutional Amendment  
Ballots for South Dakota High School Activities Association

From: Joseph Graves, Superintendent of Schools

Nature of action requested:

Board Action X

Board Information

Scheduled report

Description of the item (including nature of the problem, program covered, impact, board action desired, etc.)

Immediately following this cover sheet, you will find ballots for 3 elections currently underway by the South Dakota Activities Association and one ballot for a constitutional amendment, as well as supporting documentation.

Based on these ballot options and after discussion with Mr. Cory Aadland, activities director for the Mitchell School District, I have the following recommendations:

1. West River At-Large Representative: I would recommend a ballot for Mr. Todd Palmer of Sturgis Brown High School, Meade County School District. This is the District most similar to Mitchell and Mr. Palmer is a solid choice.
2. Division 3 Representative. As Mr. Derek Barrios is the only person on the ballot, I would recommend a ballot for him.
3. Division 4 Representative: Mr. Eric Denning, AD for our neighboring district to the west, is a great choice and so I would recommend a ballot on his behalf.
4. Constitutional Amendment: The intent of this amendment is to secure enrollment data directly from the SD Department of Education, rather than from individual school reports, for purposes of classification. This would streamline the data gathering for the SDHSAA and provide an external, objective, and consistent source for that data. Therefore, I would recommend an affirmative vote for this constitutional amendment.

Individual(s) who will attend the board meeting and speak to the item:

Cory Aadland, Activities Director

Joseph Graves, Superintendent of Schools

I will be able to review the item further at the school board meeting, if requested:

Name: Joseph Graves, Superintendent

Date: April 26, 2021



**SOUTH DAKOTA HIGH SCHOOL ACTIVITIES ASSOCIATION  
2021 OFFICIAL ELECTION BALLOT  
WEST RIVER AT-LARGE REPRESENTATIVE  
TERM: JULY 1, 2021 TO JUNE 30, 2024**

**West River At Large Representative-** to be filled by an Athletic/Activity Director

This position is currently vacant. The West River At-Large nominee may be from any SDHSAA member school with a high school attendance center physically located West of the Missouri River in South Dakota. This position must be filled by an Athletic/Activity Director. This is a **THREE (3) YEAR POSITION. Any member school may nominate a person for this position and all member schools have the opportunity to vote.**

You may vote for one candidate.

The deadline for the return of this ballot is **May 31, 2021.**

James Bagwell, Crazy Horse

Cooper Garnos, Lyman

Kelly Messmer, Harding County

Todd Palmer, Sturgis Brown

\_\_\_\_\_  
Name of Member School

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature (Superintendent or Principal)

\_\_\_\_\_  
Signature (School Board President)

**Unless there are TWO signatures, this ballot will be unacceptable and declared void.**

### **James Bagwell, Crazy Horse**

My name is James Bagwell. I have been in the education field for 7 years. I have served as the Dean of Students/ Athletic Director at Crazy Horse School for the past 6 years. For the last 3 years I have also served as the region 7B boys' basketball chairman. I played collegiate basketball and received my undergraduate degree from the University of Mary in Bismarck, North Dakota. I also obtained a Master of Education Administration degree from Concordia University- Nebraska. Being a former student athlete myself, I understand the value of athletics and education. I look forward to continuing to serve the state of South Dakota and our athletes.

### **Cooper Garnos, Lyman**

Cooper Garnos is currently teaching, coaching, and serving as the Activities Director at Lyman High School in Presho. Cooper has thirty years of experience in the South Dakota educational system. Cooper is a graduate of Lyman High School and received his bachelors of education from DWU, his Masters from SDSU, and his Education Specialist degree from the University Sioux Falls. Over the course of his thirty-year career in education, Cooper has been a Head High School Coach for GBB, BBB, and Golf. He has also assisted with high school FB. Cooper played basketball collegiately at USD and DWU. At DWU he was honored to be one of the team captains for the Tigers. Cooper's K-12 experience is as follows: he has served seven years as a High School Principal, seven years as Activities Director, and four years as a Superintendent.

Cooper also served thirteen years in the South Dakota Legislature. Eight years in the House of Representatives and five years in the Senate. Cooper served in leadership roles as a Majority Whip and chaired the Senate Education and Taxation Committees. Cooper is married to wife Mary Jo and they have three children, Chesney, Cruz, and Canyon. Mary Jo works for the State of SD as a County Nurse for Lyman County.

### **Kelly Messmer, Harding County**

My name is Kelly Messmer and I am the Principal and Athletic Director at Harding County High School. I have been in education and athletics for 24 years, with my last 11 at Harding County. I have been a teacher, coach, and administrator in both large and small school districts, and I understand the dynamics of both settings. I have a passion for high school extra-curricular activities and believe students who participate in both fine arts and/or athletics become well-rounded adults and contributors to society.

I will always have an open ear and an honest answer for anyone wanting to give suggestions or ideas to make our great organization even better. I would be honored and humbled to be elected to the SDHSAA Board of Directors and be a voice for all members.

**Todd Palmer, Sturgis Brown**

My name is Todd Palmer and I am currently the Director of Activities for the Meade School District. My career in education started in the fall in 1992 when I was offered my first teaching/coaching contract at Stanley County. In the 29 years since, I have had the opportunity to serve the students of South Dakota as a teacher, coach, official and administrator. During those years I have also been fortunate to server the SDHSAA in many different capacities. I have served on the Native American Advisory Council as the official representative. I was the Region 5 officials coordinator for both basketball and volleyball. I served on the Calendar Committee that was commissioned by SDHSAA to look at revamping the calendar due to new NFHS protocols pertaining to football. I was asked by then Executive Director Wayne Carney to sit on one of the interviewing committees for the new Executive Director. As the AD in Chamberlain, I hosted numerous SoDak 16 contests in both Volleyball and Basketball. I currently serve as the Awards Chairperson for the SDIAAA and am the secretary for the Black Hill Conference. I am humbled to be nominated for the West River At-Large position as an AD and take the task of representing all the schools of South Dakota, as do all the sitting board members and former board members.

I was honored to be nominated with all of the quality individuals that were nominated at the Annual Meeting in Pierre on April 20, 2021. If you have any questions of myself, please feel free to email ([todd.palmer@k12.sd.us](mailto:todd.palmer@k12.sd.us)) or call (605-381-0698) and I would be happy to visit with you. To carry on the long-lasting servant leadership that all of those who have served our state as a member of the board is what I look forward to doing if your school would feel so inclined to cast your vote for myself. If one of the other very qualified nominees is chosen by the membership, I will support them 100 percent.



**SOUTH DAKOTA HIGH SCHOOL ACTIVITIES ASSOCIATION  
2021 OFFICIAL ELECTION BALLOT  
DIVISION III REPRESENTATIVE- SUPERINTENDENT  
TERM: JULY 1, 2021 TO JUNE 30, 2023**

**Division III Representative-** To be filled by a SDHSAA member school Superintendent.

This position is currently held by by Dr. Jerry Rasmussen, Dakota Valley Superintendent. The Division III Representative nominee may be from any SDHSAA member school with a 2020-21 ADM from Todd County at 442.270 to Tiospa Zina at 126.777. The position must be filled by a Superintendent. **THIS IS A TWO (2) YEAR POSITION** and the person elected is unable to run for re-election in the Division III slot. **Any member school may nominate a person for this position and all member schools have the opportunity to vote.** Member schools in the Division III Group include: Todd County, Tea Area, Belle Fourche, West Central, Dakota Valley, Vermillion, Sioux Falls Christian, Lennox, Lakota Tech, Pine Ridge, Madison, Little Wound, Milbank, Cheyenne-Eagle Butte, Custer, Tri-Valley, Chamberlain, Dell Rapids, Sisseton, Canton, Hot Springs, Beresford, Hamlin, Lead-Deadwood, Wagner, Elk Point-Jefferson, Red Cloud, Winner, Mobridge-Pollock, Sioux Valley, St. Francis, Flandreau, Redfield, McLaughlin, Groton Area, Baltic, Hill City, St. Thomas More, and Tiospa Zina. Groton Area is ineligible due to already having a member on the Board of Directors.

You may vote for one candidate.

The deadline for the return of this ballot is **May 31, 2021.**

Derek Barrios, Elk Point-Jefferson

\_\_\_\_\_  
Name of Member School

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature (Superintendent or Principal)

\_\_\_\_\_  
Signature (School Board President)

**Unless there are TWO signatures, this ballot will be unacceptable and declared void.**



**Derek Barrios, Elk Point-Jefferson**

I am completing my 13<sup>th</sup> year in education, and all my experience as an educator and coach have been served throughout our great state. I taught science and coached JH Girls BB in Kimball for one year. I then taught science and coached football and track in Arlington for four years. Following that, I served as 7-12 Principal in Custer for three years. I then spent two years as Elementary Principal/Superintendent in Faulkton before settling into my current role as Superintendent at the Elk Point-Jefferson School District for the past three years.

My time as a student in the state of South Dakota has also played a role in my development as leader. I was involved with Fine Arts and Athletics throughout my years as a student in the Brookings School District. During my time in education, I have been involved in various capacities with AdvancED, SASD Delegate Assembly, SDHSAA Football Advisory Committee, and the SDHSAA COVID-19 Task Force, as well as various roles within the communities I have lived. These experiences, with different sized schools across many regions of the state, have contributed to my growth as an educator.

I have been married to my wife, Amanda, for almost 12 years. We have two children, Addilyn (4<sup>th</sup>) and Kroy (JK). The students of South Dakota are at the forefront of the many decisions we make as leaders in our state. I would be honored to continue my commitment to serving the students of South Dakota, as well as our member schools, as a member of the SDHSAA Board of Directors.



**SOUTH DAKOTA HIGH SCHOOL ACTIVITIES ASSOCIATION  
2021 OFFICIAL ELECTION BALLOT  
DIVISION IV REPRESENTATIVE- ATHLETIC/ACTIVITY DIRECTOR  
TERM: JULY 1, 2021 TO JUNE 30, 2026**

**Division IV Representative-** To be filled by an Athletic/Activity Director.

This position is currently filled by Craig Cassens, Faulkton High School Principal. The Division IV nominee may be from any SDHSAA member school with a 2020-21 ADM from 121.422 to 2.000. The Division IV schools include Parker with a 2020-21 ADM of 121.422 to Elk Mountain with a 2020-21 ADM of 2.000. This position must be filled by an Athletic/Activity Director. The person elected will serve a five-year term on the SDHSAA Board of Directors and is unable to run for re-election. **Any member school may nominate a person for this position and all member schools have the opportunity to vote.** Member schools in the Division IV Representative Group include: Parker, Flandreau Indian, Rapid City Christian, Webster Area, Deuel, Bennett County, Parkston, Garretson, Stanley County, Dupree, Hanson, Bon Homme, Deubrook, McCook Central, Crow Creek, Elkton, Great Plains Lutheran, White River, Platte-Geddes, Lower Brule, Wolsey-Wessington, Miller, Chester Area, Howard, Ipswich, Gregory, Aberdeen Roncalli, Lyman, Viborg-Hurley, Timber Lake, Britton-Hecla, Irene-Wakonda, Northwestern, Philip, Clark, Arlington, Burke, Andes Central, Castlewood, Scotland, Bridgewater-Emery, Colman-Egan, Alcester-Hudson, Wall, Newell, Warner, New Underwood, Marty, Centerville, Rosholt, Florence, Avon, Faulkton, DeSmet, Crazy Horse, Plankinton, Kadoka, Mount Vernon, Highmore-Harrold, Gayville-Volin, Ethan, Waverly-South Shore, Kimball, Estelline, Aberdeen Christian, Woonsocket, Menno, Sully Buttes, Faith, Gettysburg, Canistota, Corsica-Stickney, Freeman, Lemmon, Wilmot, Frederick Area, Oelrichs, Wessington Springs, Colome, Wakpala, Takini, Willow Lake, Montrose, Hitchcock-Tulare, Armour, Dell Rapids St. Mary, James Valley Christian, Lake Preston, Edgemont, Iroquois, Summit, Henry, Jones County, McIntosh, Bowdle, Selby, Sanborn Central, Waubay, Tiospaye Topa, Harding County, Langford, Marion, Rutland, Oldham-Ramona, Tripp-Delmont, Eureka, Bison, McCrossan Boys Ranch, White Lake, Freeman Academy, Sioux Falls Lutheran, Herried, Leola, Dakota Christian, Edmunds Central, Hoven, Sunshine Bible Academy, Mitchell Christian, Doland, SD School for the Blind & Visually Impaired, and Elk Mountain. Avon and Wakpala are ineligible due to already having members on the Board of Directors.

You may vote for one candidate.

The deadline for the return of this ballot is **May 31, 2021.**

Kyle Courtney, Rapid City Christian

Eric Denning, Mount Vernon

Jeff Kusters, Frederick Area

Brent Mareska, Tiospaye Topa

Jon Meyer, Waverly-South Shore

\_\_\_\_\_  
Name of Member School

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature (Superintendent or Principal)

\_\_\_\_\_  
Signature (School Board President)

**Unless there are TWO signatures, this ballot will be unacceptable and declared void.**

**Kyle Courtney, Rapid City Christian**

I was born and raised in Guthrie Center, Iowa (which is about an hour west of Des Moines). I was a two-sport athlete in basketball and baseball in both high school and college. I am a 2007 graduate of Pillsbury Baptist Bible College (Minnesota) and spent time as an Asst. Men's Basketball Coach for 2 seasons after graduating. I started my teaching/coaching career in Gardendale, AL at Tabernacle Christian School where I spent 2 years. From there I took a teaching/coaching position at Valley Christian Academy in Santa Maria, California where I spent 3 years. I got back closer to home when I came to Rapid City Christian and I am just finishing up my 7<sup>th</sup> year here where I serve as Activities Director and head boys' basketball coach. I have 12 years of experience in education, 14 years of experience in coaching, and 6 years as an Activities Director. I have been a Head Basketball Coach for 10 years (and an Assistant for 4 years before that) and have also coached baseball, golf, and track at various points in my career as well.

I believe extra-curricular activities (both athletics and fine arts) are a very important part of education and can play a vital role in shaping our young men and women. The ability to teach life lessons through these activities is something I am very passionate about. I love coaching because I am very competitive, but more so because of the ability to be a positive impact on young people's lives, which is also why I love being an Activities Director and working with extra-curricular activities every day! I have a great passion for Christian Education, which is why I have been in Christian schools throughout my career. My wife, Gloria, and I have been married for 13 years and we have 3 children: Grace, Colin, and Madelyn. We love living in the great state of South Dakota. If selected to this position I would consider it an honor to serve the SDHSAA member schools and their student athletes. Thank you for your consideration.

**Eric Denning, Mount Vernon**

My name is Eric Denning. I am finishing my 26th year at Mount Vernon High School. I currently serve as our 6-12 principal and well as the Activities Director for the MVP Cooperative. My experience and involvement in co-curricular activities is vast. I have served as our school's activity director for the last 16 years. I have been our boys' basketball coach for the last 24 years, and currently still serve in that capacity. I have guided our school through a complete sports consolidation, and have experience in both Class A and Class B. I have served as a Region Chair in both basketball and volleyball. I have also worked closely with the SDHSAA in leadership positions as part of both the basketball advisory board, as well as the in season/out of season committee. I also currently serve as the Region 5 Representative on the SDIAAA Executive Committee as well as the SDIAA Scholarship Selection Committee.

**Jeff Kusters, Frederick Area**

Greetings! My name is Jeff Kusters, and I am running for the Division IV Athletic Director position on the SDHSAA Board of Directors that is being vacated due to the end of Chairman Cassen's term. I will be entering my 26<sup>th</sup> year in the field of education/athletics next fall (all in South Dakota) and am currently the Superintendent, High School Principal, and Athletic Director with the Frederick Area School District.

I feel my past experiences would serve me well if elected to this position. I currently serve as a Region representative with the South Dakota Interscholastic Athletic Administrators Association and also as Chairman of the Lake Region Conference. I will serve as our Region Chairman for Boys' Basketball next year, and I have also served as a Region Director with the South Dakota Football Coaches Association and several years as a Region Director for Golf; including one year as State Tournament Director with that activity. I spent 15 years in the US Army National Guard and US Army Reserve, and have also served municipal government roles in the communities I have called home; which included a 14-year stint as Mayor.

I have been married to my wife, Christine, for nearly 30 years; and all four of our children have benefited from being a part of both athletics and the arts. If elected to serve with this organization, I would hope to continue the past practice of affording our students the many wonderful choices of activity involvement outside the classroom. I would truly appreciate your vote and would consider it an honor to serve on the SDHSAA Board of Directors. Thank you for your time and consideration with this process!

**Brent Mareska, Tiospaye Topa**

My name is Brent Mareska and I am the current Supt/HS Principal/AD at Tiospaye Topa School in Ridgeview, SD. I have held that position for the past 6 years. Currently I reside in Timber Lake, SD where I taught for 11 years and served as Activities Director for 10 of those years. I have coached many sports over the years at all levels as well as been a certified basketball official for over 15 years. I am excited for this opportunity and it is an honor to be nominated.

**Jon Meyer, Waverly-South Shore**

Jon Meyer is currently the superintendent and athletic director at Waverly-South Shore School. He is in his fifteenth year in education, having worked two years at South Shore School and then the past thirteen at Waverly-South Shore. He is in fourth year as district superintendent, tenth year as athletic director, ninth year as student council advisor, and third year as chairman of the Eastern Coteau Conference. During his tenure as athletic director, Jon has served as region tournament chair in both volleyball and girls basketball.

Outside of school he has served for seventeen years on his church council, including the last fourteen as council chairman. His past service work includes eleven years on the South Shore town council, the last four of which he served as town mayor; six years on the Great Plains Lutheran High School Board of Directors; and three years on the Northeast Technical High School Board of Directors, including one year as vice-president. Jon and his family (his wife, Emily, and their children, Elizabeth, Matthew, Rachel, and Isaac) live in South Shore.



## **SOUTH DAKOTA HIGH SCHOOL ACTIVITIES ASSOCIATION**

### **2021 OFFICIAL AMENDMENT BALLOT**

The deadline for the return of this ballot is **May 31, 2021**. In order to pass, a proposal must receive a 60% favorable vote. Please refer to the accompanying document for the text of the amendment and the rationale that was given at the Annual Meeting of the Board of Directors.

#### **AMENDMENT NO. 1**

Yes

No

\_\_\_\_\_  
Name of Member School

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature (Superintendent or Principal)

\_\_\_\_\_  
Signature (School Board President)

**Unless there are TWO signatures, this ballot will be unacceptable and declared void.**

**BALLOTS DUE: May 31, 2021**

# **SOUTH DAKOTA HIGH SCHOOL ACTIVITIES ASSOCIATION PROPOSED AMENDMENTS TO CONSTITUTION AND BYLAWS**

## **AMENDMENT NO. 1**

CONSTITUTION, PAGE 7 Article III Section II

**SECTION 2. BASIS FOR CLASSIFICATION BY ENROLLMENT.** When member schools are classified according to enrollment for participation in the various athletic or fine arts activities sponsored by the Association, Average Daily Membership (ADM) based on enrollment in grades 9-11, as documented by member schools on the SD SIMS NET Average Daily Membership Report form. The ADM shall be the basis upon which schools are classified. A copy of the enrollment data will be received from the Department of Education by the Executive Director of the South Dakota High School Activities Association on the first Friday in December of each reclassification/alignment year. Reclassification and alignments for all sports and fine arts activities shall be done at the same time so that the two-year periods are concurrent for all activities.

**Amend Article III, Section 2 of the SDHSAA Constitution as Follows:**

**SECTION 2. BASIS FOR CLASSIFICATION BY ENROLLMENT.** When member schools are classified according to enrollment for participation in the various athletic or fine arts activities sponsored by the Association, ~~Average Daily Membership (ADM) based on enrollment in grades 9-11, as documented by member schools on the SD SIMS NET Average Daily Membership Report form. The ADM shall be the basis upon which schools are classified. A copy of the enrollment data will be received from the Department of Education by the Executive Director of the South Dakota High School Activities Association on the first Friday in December of each reclassification/alignment year~~ **reflective of actual figures collected by the South Dakota Department of Education on the last Friday in September of each reclassification/alignment year will be utilized to establish classifications.** Reclassification and alignments for all sports and fine arts activities shall be done at the same time so that the two-year periods are concurrent for all activities.

**Rationale:** Due to changes within the South Dakota Department of Education's reporting mechanisms, the change was suggested to the SDHSAA Executive Staff as the Average Daily Membership (ADM) is becoming increasingly more difficult to determine and calculate within schools. Minimal changes and evaluations may be need to be made to the figures used for classification within sports to reflect the calculation date, but in general, the numbers already calculated in September are reflective of school rank and order as to the ADM calculation.

**MITCHELL SCHOOL DISTRICT NO. 17-2**

School Board Meeting

Agenda Item

For presentation at the April 26, 2021 meeting of the school board.

Subject: Board Member Reports/ Commentary From: Board Members

Nature of action requested from the Board:

Board Action ☐

Board Information ☐

Scheduled report ☒

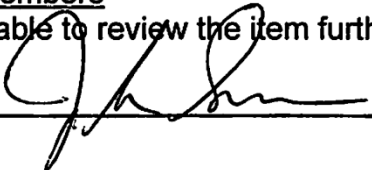
Board members will report on meetings attended since our last regular board meeting.



Individual(s) who will attend the board meeting and speak to the item:

Board Members

I will be able to review the item further as the school board meeting, if requested:

Name:  Date: 4/26/021

**MITCHELL SCHOOL DISTRICT NO. 17-2**

School Board Meeting

Agenda Item

For presentation at the April 26, 2021 meeting of the school board.

Subject: Superintendent's Report

From: Joseph Graves, Superintendent

Nature of action requested from the Board:

Board Action ☐

Board Information ☐

Scheduled report ☒

This time will be devoted to the Superintendent's Office sharing information with the Board that doesn't require board action and may not necessarily fall into the category of a report. It might include curricular developments, professional development possibilities, possible legislative issues, issues that other schools, particularly those among the Large Schools Group, are facing and other items that would be of interest to the Board and the public.

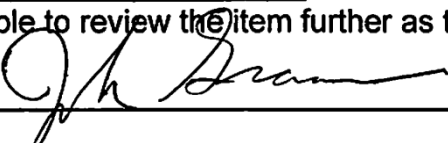
A. Employee Vaccination Update

Individual(s) who will attend the board meeting and speak to the item:

Joseph Graves, Superintendent

I will be able to review the item further as the school board meeting, if requested:

Name:



Date:

4/26/2024



**MITCHELL SCHOOL DISTRICT NO. 17-2**

School Board Meeting

Agenda Item

For presentation at the April 26, 2021 meeting of the school board

Subject: Public Commentary

From: General Public

Nature of action requested from the Board:

Board Action ☐

Board Information ☒

Scheduled report ☐

This item is included on the agenda to provide the public an opportunity to address the board on topics which are not a part of the board agenda. Any topic or issue presented will not receive action at the meeting by the Board, but will be given further study. Please also note that individuals who have concerns about district employees or who wish to discuss individual students should do so through other processes, such as the complaint procedure. Such issues cannot be addressed in open session.

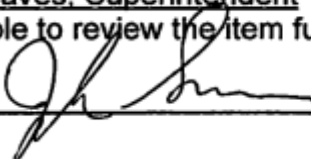
The Mitchell School Board believes strongly in the value of public commentary and has taken a number of steps to guarantee that members of the public may continue to provide input to the Board without unduly violating their sense of personal freedom. The Board does ask and require, though, that those who wish to address board members under Public Commentary conduct themselves with a level of decorum suitable for a meeting held in public. Therefore, the use of inappropriate language, the making of threats, etc. will not be allowed during public commentary or at any time during a board meeting. Those violating these norms will have their connection either muted or severed. It is our strong desire, however, not to do so. We ask for your assistance in that.

Individual(s) who will attend the board meeting and speak to the item:

Joseph Graves, Superintendent

I will be able to review the item further as the school board meeting, if requested:

Name: \_\_\_\_\_



Date: \_\_\_\_\_

4/26/21

MITCHELL SCHOOL DISTRICT NO. 17-2

April 26, 2021

School Board Meeting

Agenda Item

Subject: Board Consideration to Enter into Executive Session for the purpose of "Discussing the qualifications, competence, performance, character or fitness of any public officer of employee or prospective public officer or employee." (SDCL 1-25-2.(1))

From: Joseph Graves, Superintendent of Schools

Nature of action requested:

Board Action                    x

Board Information

Scheduled report

Description of the item (including nature of the problem, program covered, impact, board action desired, etc.)

I am requesting the Board enter into an executive session in order to discuss district administrator performance, etc. prior to consideration of my recommendations for administrator compensation.

Should the Board approve the recommendation to enter into executive session, since this is a virtual meeting, that would be handled in the following manner. The board members and the superintendent of schools would enter a second virtual 'room' within the Zoom call. They would then discuss the topic of the executive session there. Once they had concluded that discussion, the board members and superintendent would return to the original Zoom call area and complete the remainder of the agenda. Those wishing to remain with the board meeting need only wait in the original Zoom area for the board members to complete the executive session and return.

Individual(s) who will attend the board meeting and speak to the item:

Joseph Graves, Superintendent of Schools

I will be able to review the item further at the school board meeting, if requested:

Name: Joseph Graves, Superintendent

Date: April 26, 2021

MITCHELL SCHOOL DISTRICT NO. 17-2  
April 26, 2021  
School Board Meeting  
Agenda Item

Subject: Board Consideration to Set Administrator Compensation for the 2021-22 School Year

From: Joseph Graves, Superintendent of Schools

Nature of action requested:

Board Action X

Board Information

Scheduled report

Description of the item (including nature of the problem, program covered, impact, board action desired, etc.)

As the master agreement for teachers is now settled and we now know the school finance formula amounts for next year, I am prepared to recommend administration compensation levels for the 2021-22 school year:

<u>Name:</u>	<u>Title:</u>	<u>Recommended 2021-22 Salary:</u>
Aadland, Cory	Activities Director	\$87,711
Becker, Sherri	Curriculum Director (0.7 FTE)	\$59,685
Carmody, Leann	Food Services Director	\$69,407
Childs, Joe	MHS Principal	\$106,962
Culhane, Steve	Business Manager	\$120,550
Gubbrud, Chris	GBR Elementary Principal	\$74,766
Heckenlaible, Lisa	Longfellow Elementary Principal	\$80,504
Hohn, Levi	Technology Director	\$59,871
Mock, Craig	MHS Assistant Principal	\$87,727
Reindl, Bobby	MMS Assistant Principal	\$64,770
Roth, Becky	LBW Elementary Principal	\$86,315
Sieverding, John	Buildings and Grounds Director	\$72,964
Thill, Shane	MHS Assistant Principal/2 <sup>nd</sup> Chance Director	\$83,129
Tyler, John	MMS Principal	\$81,600

Additionally, the Board may consider the 2021-22 compensation for the superintendent of schools at this time.

Individual(s) who will attend the board meeting and speak to the item:

Joseph Graves, Superintendent of Schools

I will be able to review the item further at the school board meeting, if requested:

Name: Joseph Graves, Superintendent

Date: April 26, 2021