

Northeast Educational Cooperative Comprehensive Plan

Free and Appropriate Public Education (FAPE) 34 C.F.R. §§ 300.101-300.108, 300.110; ARSD 24:05:13:02

The district/cooperative and all member schools/districts will make available to all children with disabilities residing in the district(s) between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school, as provided for in 300.530(d); 24:05:26 and 24:05:26.01, ARSD.

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

(1) Improving educational results and functional outcomes for all children with disabilities; and

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

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

The Northeast Educational Cooperative has formally adopted the following policies and procedures as their comprehensive plan for special education. This document intends to identify the responsibilities of the district and the Agency.

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



Signature of Authorized Official

16 JUN 2025

Date

Arend Schuurman

Typed Name and Title

Board Chair

Address/State/Zip

Telephone Number

Section I.

Communication between the agency and the district is vital to the success of the student. This includes communicating about meetings, evaluations, timelines, etc. The special education teacher for each NESC program will communicate to the superintendent and/or special education director of the resident district information regarding meetings, evaluations, timelines, and other information. The special education teacher will ensure that the resident district has access to and/or copies of the most recent special education documentation for students in the NESC program.

Section II. Child Count

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

- a. Child Count data is the collection of enrollment information for students with disabilities ages 3-21 who are receiving Special Education services. Accurate reporting ensures who is responsible for providing services to identified students. NESC and its employees work with member school districts to ensure the accuracy of district child count data. Students served within NESC programs have previously been identified as students with disabilities and are on the child count of the resident member district. The Director of NESC ensures that the enrollment information is accurate for all students served in NESC programs so that resident member districts have accurate information for their child count.

Section III. Timelines

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

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

- a. Special Education has explicit timelines that need to be followed. Those timelines are associated with;

- i. Annual Meetings
- ii. Eligibility
- iii. Evaluation – Initial and reevaluation

NESC and its employees coordinate with each member district to which they are assigned to ensure that timelines are followed. When an NESC employee is assigned to a member district, they follow the district's procedures for meeting timelines and communicate with the district any information necessary to meet those timelines. NESC program special education teachers monitor the timelines related to evaluation and annual meetings. They coordinate these meetings and activities with the other staff assigned to the program to ensure that timelines are met. They also communicate with the resident district of the student about upcoming timelines and the plan to ensure compliance with those timelines.

Section IV. Individualized Education Program (IEP)

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

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important to complete the evaluation. NESC employees who are case managers for students in member districts are responsible for coordinating the evaluation for the student and ensuring timeliness. NESC employees collaborate with the district to ensure that evaluation needs are met for the member district. For students in NESC programs, the special education teacher of the program is responsible for ensuring that the evaluation is comprehensive and completed within the specified time frame. All NESC employees will complete standardized evaluations and skill-based evaluations within the areas for which they hold expertise. Results from these evaluations are provided in written form to the member districts and the parents.

Section VI. IEP Team

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

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

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

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

- a. Meeting Notice –Prior to a meeting, the notice will be sent out. The content of the meeting notice includes date, time, location, purpose, agenda, attendees, and contact information.
- b. Conducting - NESC employees who are case managers conduct the meeting in conjunction with the member district. The Special Education teacher for an NESC program conducts the meeting for enrolled students.
- c. Location - NESC employees who are case managers within districts hold meetings within the member district. When a meeting is held for a student in an NESC program, the meeting is held at the program location. In both cases, virtual attendance options are available.
- d. Attendance - Special Education law requires, at a minimum, that the parents of the student, regular education teacher (if student is participating in the regular education environment), at least one special education provider, representative of the school district that can make decisions about the availability of resources of the district, the student (if appropriate), and transition service participants (if applicable). If a meeting is held at a location not within the member/resident district, NESC will ensure that required team members are given sufficient notice of the meeting and a virtual attendance option will be provided.

Section VII. Parental Prior Written Notice

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

- a. Students are required to participate in state assessments at certain grade levels. Some accommodations stated on their IEP may be needed for participation in the assessment. Students who participate in NESC programs are provided with accommodations and participate in state assessments. The NESC director ensures that the students who take state assessments are reported to the Department of Education and are represented in the state assessment program. The special education teacher of the program conducts the state assessment with the student and provides the accommodations listed on their IEP. Results of the state assessment are shared with the parents by the Director or the Special Education teacher.

Section X. Procedural Safeguards

NESC will provide a copy of the *South Dakota Parental Rights and Procedural Safeguards* document to the parents of an eligible child with a disability at least once each year, in addition to the following.

1. Upon initial referral or parent request for an evaluation;
2. Upon request by the parent;
3. Per discipline procedures outlined in the procedural safeguards document;
4. Upon receipt of the first state complaint or first due process complaint in a given school year.

NESC uses the *South Dakota Parental Rights and Procedural Safeguards* document which conforms with the content standards established in ARSD 24:05:30:06.02.

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

For students in NESC programs, NESC and the resident member district will offer voluntary state mediation to the parent after receiving notice about any matter of dispute, including matters arising before a due process complaint is filed. NESC will make such mediation conferences timely and nonadversarial and will schedule them in a location convenient to all parties involved in the dispute.

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

NESC acknowledges that either it, the resident member district, or the parent may file a due process complaint on any matters related to the identification, evaluation, placement, or FAPE of a student with a disability.

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

Within 15 days of receiving notice of the parent's due process complaint and prior to the initiation of a due process hearing, NESC and the resident member district will convene a meeting with the parent and relevant members of the IEP team who have specific knowledge of the facts identified in the complaint. NESC, the resident school district, and the parent will determine which IEP team members are relevant, but the team will include a representative of the district who has decision-making authority.

NESC 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.

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

NESC agrees to cooperate with records requests in order to establish a continuity of records for migratory students with disabilities.

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

NESC works to ensure that all special education records for students are stored within the member resident school district. At the end of a school year, student file information will be returned to the resident member district. However, if special education records are maintained at NESC, NESC will maintain the special education records for at least 5.5 years after they are no longer needed. Prior to destroying records, NESC will inform parents when it no longer needs them. Following that event, when requested by the parents, NESC will destroy the personally identifiable information (but may maintain contact information for the student in addition to a record of grades, attendance, classes taken, and grades).

NESC will include the following in each student's final PPWN. "After 5.5 years from this date, the student's special education records will be destroyed. Since these educational records may be needed for other purposes (such as accommodations for employment or higher education, public benefits and insurance, or private insurance), please make arrangements to request any necessary copies before 5.5 years have lapsed."

- a. District policies and procedures on the confidentiality of information. NESC has designated the Director to maintain the records and train others in how to collect, store, disclose, and destroy the records in a manner that protects confidentiality. The Director will also maintain a list of the names and positions of others who may have access to personally identifiable information.
- b. For students who are enrolled in an NESC program, the following items will be in the file at the agency
 - i. IEP (most current)
 - ii. Evaluation report (Most current)
 - iii. Eligibility Document (most current)
 - iv. Notices (most current): Meeting Notice, Parental Prior Written Notice, Consent for Evaluation, etc...
- c. The special education teacher at the student's NESC program will be responsible for maintaining the student's file. The Director and special education teacher will be responsible for acquiring the most current documents from the member's resident district when enrolled. The special education teacher will ensure that the district has access to the current student file.
- d. The student files are confidential and need to be located in a locked cabinet. For students who attend an NESC program, the files are kept in a locked cabinet within the program space. If files are kept by NESC employees who provide services to member districts, the files are maintained in a locked cabinet inside a locked room at the NESC main office.