

# INTRODUCTION

*What Parents Should Know . . . About Special Education in South Dakota* was created in response to requests from parents, parent groups, advocacy groups, and professionals who had used and enjoyed a previous publication entitled, "A Guide to Special Education in South Dakota," published by the State Office of Special Education prior to the passage of the Individuals with Disabilities Education Act of 1997. At that point, the old publication became obsolete and nothing had been created to take its place until now.

## OUR INTENT: USER FRIENDLY

*What Parents Should Know . . . About Special Education in South Dakota* provides readers with a detailed explanation of current federal special education law. The Individuals with Disabilities Education Improvement Act of 2004 (IDEA) was signed in December 2004 and went into effect on July 1, 2005. The federal regulations were published in August 2006 and went into effect in October 2006. This book also provides several references to the current Administrative Rules of South Dakota where they differ significantly from the federal requirements. Parents and professionals consistently comment that the special education laws and regulations are difficult to understand and apply. Our intent when we began this project was to try to make the laws understandable and user-friendly, while not ignoring the specific language of the federal regulations. The result is this comprehensive, easy-to-read booklet. Suggestions for additional information to be included in future editions are welcome.

## HOW TO USE THIS BOOK

We begin with a description of the individuals/agencies who contributed to the writing and editing of this book, contact information, a table of contents, and frequently-used definitions and acronyms. *What Parents Should Know . . . About Special Education in South Dakota* is then divided into thirteen (13) additional sections. Each page within these sections contains a general section heading and under each general heading is a detailed subheading. All but a handful of the subheadings refer to specific federal regulations.

For each subheading, we have included a box entitled "*What the Federal Regs. Say.*" This box contains actual language from the *federal regulations* and the citation to the specific regulation(s). IDEA (the federal statute) is contained at 20 U.S.C. §1400 *et seq.* The federal regulations to IDEA are contained at 34 C.F.R. §300.1 *et seq.* Thus, when the book cites to, for example, "Sec. 300.324," this is a citation to 34 C.F.R. §300.324. Occasionally, other sources are also cited herein. The next portion, "*What the Regulations Mean,*" contains an easier-to-read interpretation of the regulations. The "*What Parents Should Know*" box provides useful additional information regarding practical application of the regulation. Where the Administrative Rules of South Dakota (ARSD) differ significantly from the federal regulations, we have included a portion entitled "*In South Dakota*" within

an outline of the State, where those differences are stated or interpreted. Occasionally, we have also included a "TIP" box to provide readers with additional practical information. This format is utilized consistently throughout this book. By dividing the book into several sections and by providing a detailed Table of Contents, readers can quickly locate the information they need regarding a particular issue without wading through pages of unrelated text.

## ACKNOWLEDGEMENTS

*What Parents Should Know . . . About Special Education in South Dakota* is the end product of hundreds of hours of work over a nine-year period by seven individuals from four organizations:

**Disability Rights South Dakota**  
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# RESOURCES

The following are descriptions of the agencies that contributed to this publication:

## **Disability Rights South Dakota (DRSD)** - (formerly South Dakota Advocacy Services)

DRSD is the State's designated Protection and Advocacy (P&A) System. DRSD's mission is to protect and advocate the rights of South Dakotans with disabilities through legal, administrative and other appropriate remedies. DRSD provides services to eligible persons with disabilities ranging from information and referral to case advocacy and legal representation. DRSD consists of eight component programs, each serving a distinct population based on federal legislative mandates and program priorities. DRSD's contribution to this book was funded in part by the Administration on Developmental Disabilities (ADD) and the Center for Mental Health Services (CMHS).

**Contact Information:** Disability Rights South Dakota  
221 S. Central Avenue, Suite 38  
Pierre, SD 57501  
(605) 224-8294 or 1-800-658-4782; Fax: (605) 224-5125  
E-mail: [drsd@drsdlaw.org](mailto:drsd@drsdlaw.org); Website: [www.drSDLaw.org](http://www.drSDLaw.org)

## **South Dakota Parent Connection (SDPC)**

South Dakota Parent Connection, Inc. is South Dakota's Parent Training and Information Center (PTI). It is a non-profit organization providing information, training, resources, linking of families, and assistance to parents of children with disabilities or special health care needs throughout South Dakota. Its mission is "empowering families... empowering lives." South Dakota Parent Connection believes that when parents, educators, and service providers work together, children have unlimited potential for success! One of its programs is the South Dakota Navigator Program, whose purpose is to work with both school personnel and parents to achieve the following goals: 1) improve communication; 2) build partnerships; and 3) resolve disagreements locally and voluntarily.

**Contact Information:** South Dakota Parent Connection  
3701 W. 49th St., Suite 102  
Sioux Falls, SD 57106  
605-361-3171 or 1-800-640-4553; Fax: (605) 361-2928  
E-mail: [sdpc@sdparent.org](mailto:sdpc@sdparent.org); Website: [www.sdparent.org](http://www.sdparent.org)

## **South Dakota Center for Disabilities**

The Center for Disabilities is a division of the Department of Pediatrics at the Sanford School of Medicine of The University of South Dakota. The Center for Disabilities is South Dakota's University Center for Excellence in Developmental Disabilities Education, Research and Service (UCEDDERS) sometimes referred to as University Centers for Excellence in Developmental Disabilities (UCEDD). The Center for Disabilities receives core funding from the Administration on Develop-

mental Disabilities (ADD), which is housed within the United States Department of Health and Human Services. To accomplish its mission, the Center for Disabilities conducts diverse yet integrated activities through academic training, community service, information dissemination, and research/evaluation, all reflecting state-of-the-art knowledge and experiences in the area of disabilities.

**Contact Information:** Center for Disabilities  
Sanford School of Medicine of The University of South Dakota  
1400 W. 22nd Street  
Sioux Falls, SD 57105  
(605) 357-1439; Website: [www.usd.edu/cd](http://www.usd.edu/cd)

### **South Dakota Transition Services Liaison Project (TSLP)**

TSLP provides state-wide technical assistance and training to students with disabilities, families, local education agencies and adult service agencies regarding transition services for youth ages 16 through 21.

**Contact Information:** Transition Services Liaison Project  
221 S. Central Avenue  
Pierre, SD 57501  
1-800-224-5336; Fax: (605) 224-8320  
Website: [www.tslp.org](http://www.tslp.org)

### **Special Education Programs**

The South Dakota Office of Educational Services and Support, Special Education Programs, is South Dakota's State Educational Agency (SEA). It is responsible for assuring that children with disabilities receive a free appropriate public education in the least restrictive environment. It supports schools in their efforts to adopt exemplary teaching practices that lead to improved teaching and learning experiences for children with disabilities. The Office: 1) provides the leadership and technical support essential for school districts, other public agencies, and families to meet the individualized needs of all children and youth with services appropriate to their needs; 2) facilitates and, where federal and/or State policy mandates, oversees collaboration among all agencies and individuals involved in the provision of appropriate services to children and youth; 3) ensures statewide compliance with all State and federal mandates governing the provision of appropriate services to children and youth; and 4) administers the distribution of State and federal funds in accordance with applicable laws and regulations to eligible recipients.

**Contact Information:** Special Education Programs  
700 Governors Drive  
Pierre, SD 57501  
(605) 773-3678; Fax: (605) 773-3782  
Website: <http://doe.sd.gov/oess/sped.aspx>

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