

**Table A – South Dakota Part B
Issues Identified in the State Performance Plan**

SPP Indicator	Issue	Required Action
<p>Indicator 4: Rates of suspension and expulsion:</p> <p>A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.</p> <p>(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))</p>	<p><u>Other:</u> On page 23 of the SPP, South Dakota reported a baseline of 3 of 167 (1.80%) districts identified as having a significant discrepancy. On page 25, targets through 2010 were 1.7%, 1.65%, 1.6%, 1.55%, and 1.50%. With 167 districts, if South Dakota reduces the number of districts identified by one, from 3 to 2, then the percentage drops to 1.20%. To the extent that the total number of districts is expected to remain constant, the targets should be relevant to the actual data and likely percentage targets.</p>	<p>For the 2005 APR due February 7, 2007, South Dakota should consider revising its targets consistent with the actual data that will be generated based upon the total number of districts.</p>

SPP Indicator	Issue	Required Action
<p>Indicator 15: General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification. (20 U.S.C. 1416 (a)(3)(B))</p>	<p>Noncompliance: On page 71 of the SPP, South Dakota reported an 80% level of compliance with the requirement that noncompliance be corrected within twelve months. On pages 71-72 of the SPP the State reported that districts corrected their noncompliance findings within 12 months of the approval of the district's Improvement Plan Progress Report and that the monitoring timeline did not start until the Improvement Plan Progress Report was approved by Special Education Programs. The State reported that this timeline will change for the current monitoring cycle so that the 12 month timeline will begin as soon as districts receive the letter from Special Education Program stating the areas of noncompliance. Therefore, the percentage of noncompliance findings that were corrected within one year of identification is most likely lower than the reported 80%. As noted in Table B, although correction of noncompliance in certain long-standing areas has been reported to have occurred, timely correction of all identified noncompliance has not been reported.</p>	<p>The State must ensure that all noncompliance is corrected within one year of its identification and include data in the APR, due February 1, 2007, that demonstrate compliance with this requirement. The State should review and, if necessary revise, its improvement strategies included in the SPP to ensure they will enable the State to include data in the APR, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>