

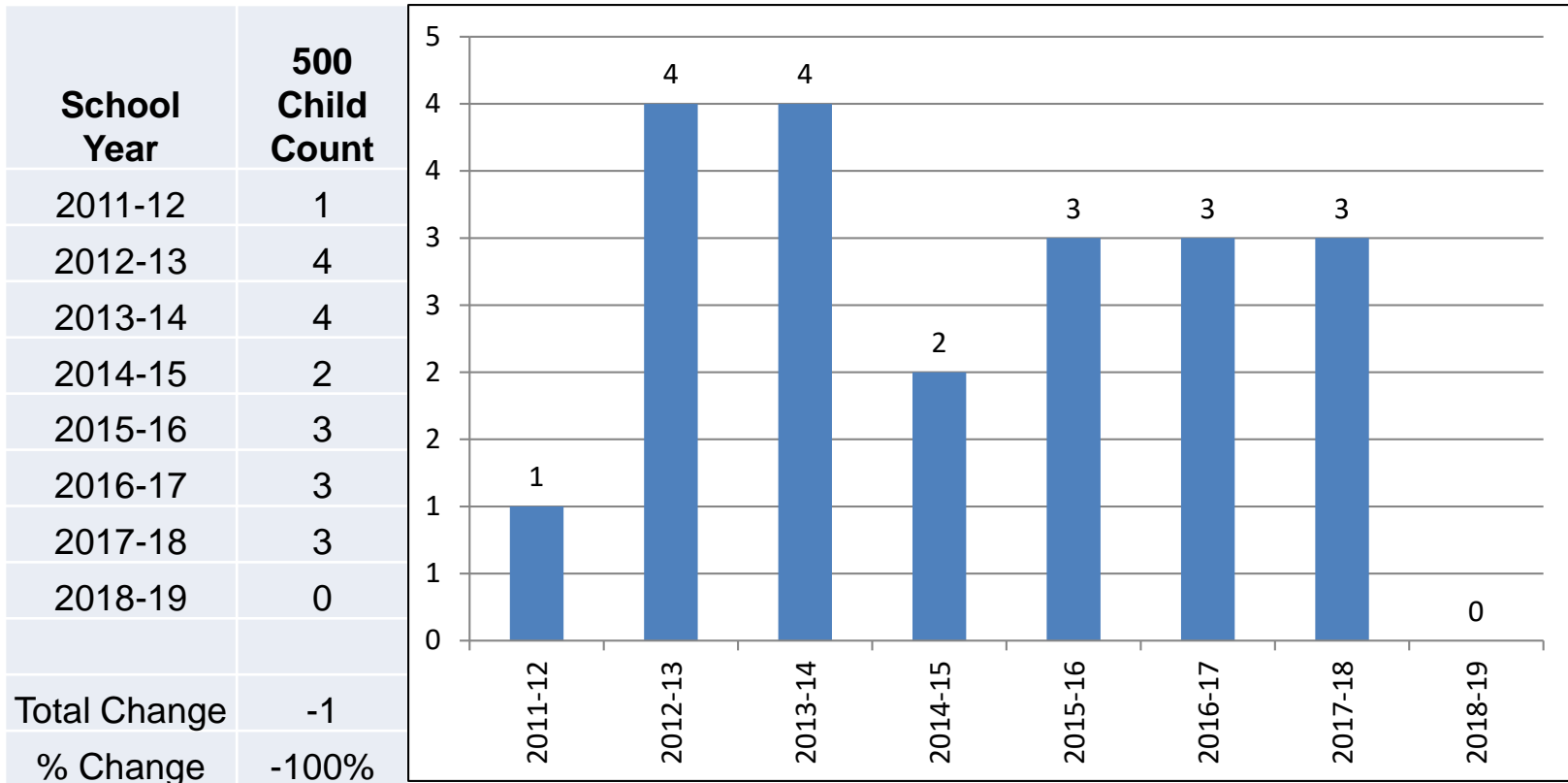
Determining Special Education Eligibility in South Dakota

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500 - Deaf-Blindness



Level 3 Disability (\$16,664.57 per student allocation)

500 - DEAF-BLINDNESS

ARSD 24:05:24.01:07. Deaf-blindness defined.

Deaf-blindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

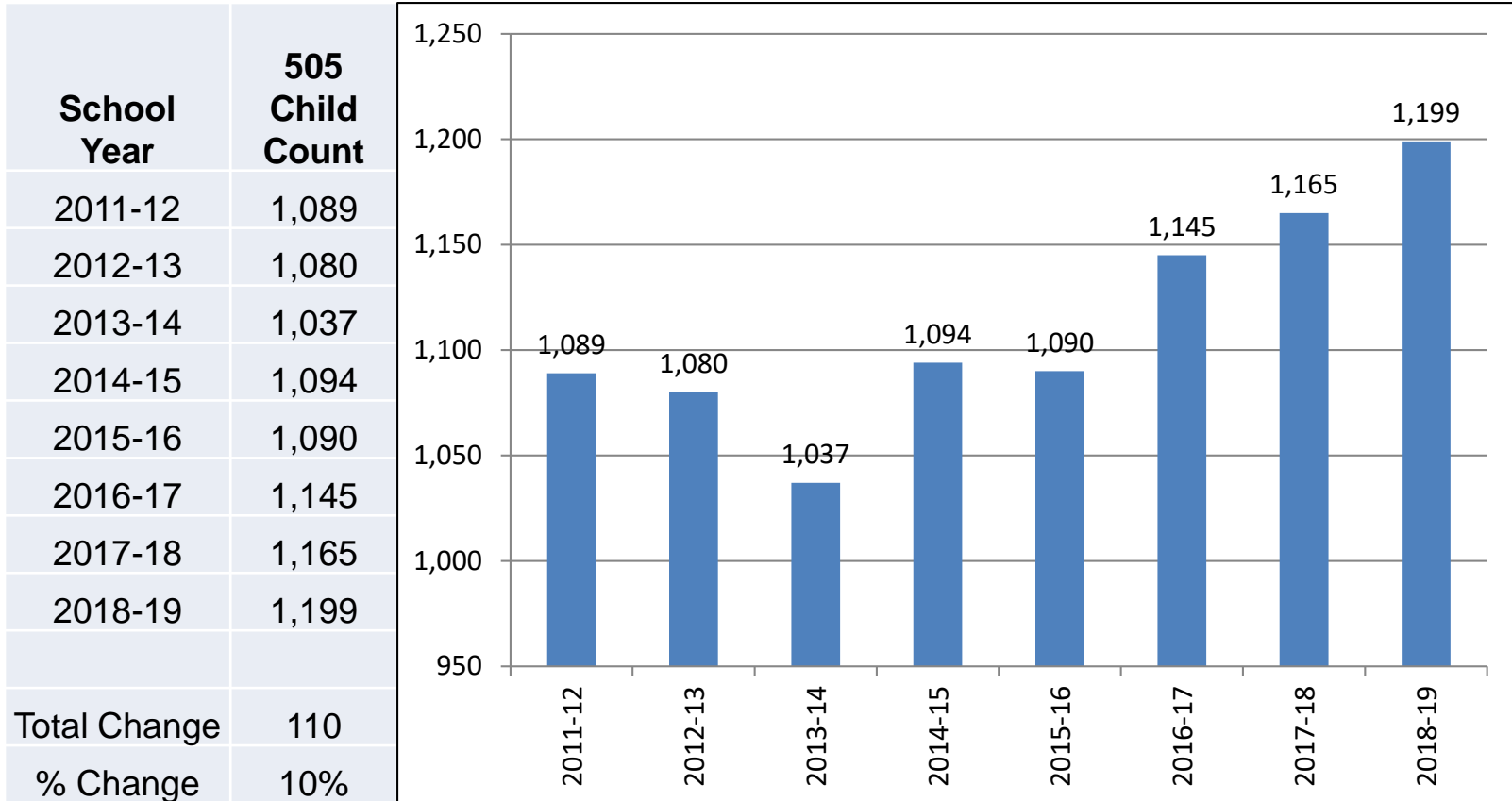
Evaluations Required for Eligibility

(500) Deaf-Blindness

- Current (within 1-2 years) report from an Ophthalmologist or Optometrist
- Audiological
- Ability
- Academic Achievement
- Language
- Adaptive behavior
- Braille assessment (the team shall consider based upon age-appropriateness)
- Orientation and mobility
- If the team decides there are other areas of suspected disability, other evaluations must be given, such as if appropriate, speech, motor, hearing, etc.

NOTE: Skill based assessment information is to be gathered for each skill area affected by the disability.

505 - Emotional Disturbance



Level 2 Disability (\$13,074.98 per student allocation)

505 - EMOTIONAL DISTURBANCE

ARSD 24:05:24.01:16. Emotional disturbance defined. Emotional disturbance is a condition that exhibits one or more of the following characteristics to a marked degree over a long period of time:

- 1) An inability to learn that cannot be explained by intellectual, sensory, or health factors;
- 2) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
- 3) Inappropriate types of behavior or feelings under normal circumstances;
- 4) A general pervasive mood of unhappiness or depression; or
- 5) A tendency to develop physical symptoms or fears associated with personal or school problems.
- 6) The term, emotional disturbance, includes schizophrenia. The term does not apply to a student who is socially maladjusted unless the IEP team determines pursuant to § 24:05:24.01:17 that the student has an emotional disturbance.

ARSD 24:05:24.01:17. Criteria for emotional disturbance. A student may be identified as emotionally disturbed if the following requirements are met:

- 1) The student demonstrates serious behavior problems over a long period of time, generally at least six months, with documentation from the school and one or more other sources of the frequency and severity of the targeted behaviors;
- 2) The student's performance falls two standard deviations or more below the mean in emotional functions, as measured in school and home or community on nationally-normed technically adequate measures; and
- 3) An adverse effect on educational performance is verified through the full and individual evaluation procedures as provided in § 24:05:25:04.

A student may not be identified as having an emotional disturbance if common disciplinary problem behaviors, such as truancy, smoking, or breaking school conduct rules, are the sole criteria for determining the existence of an emotional disturbance.

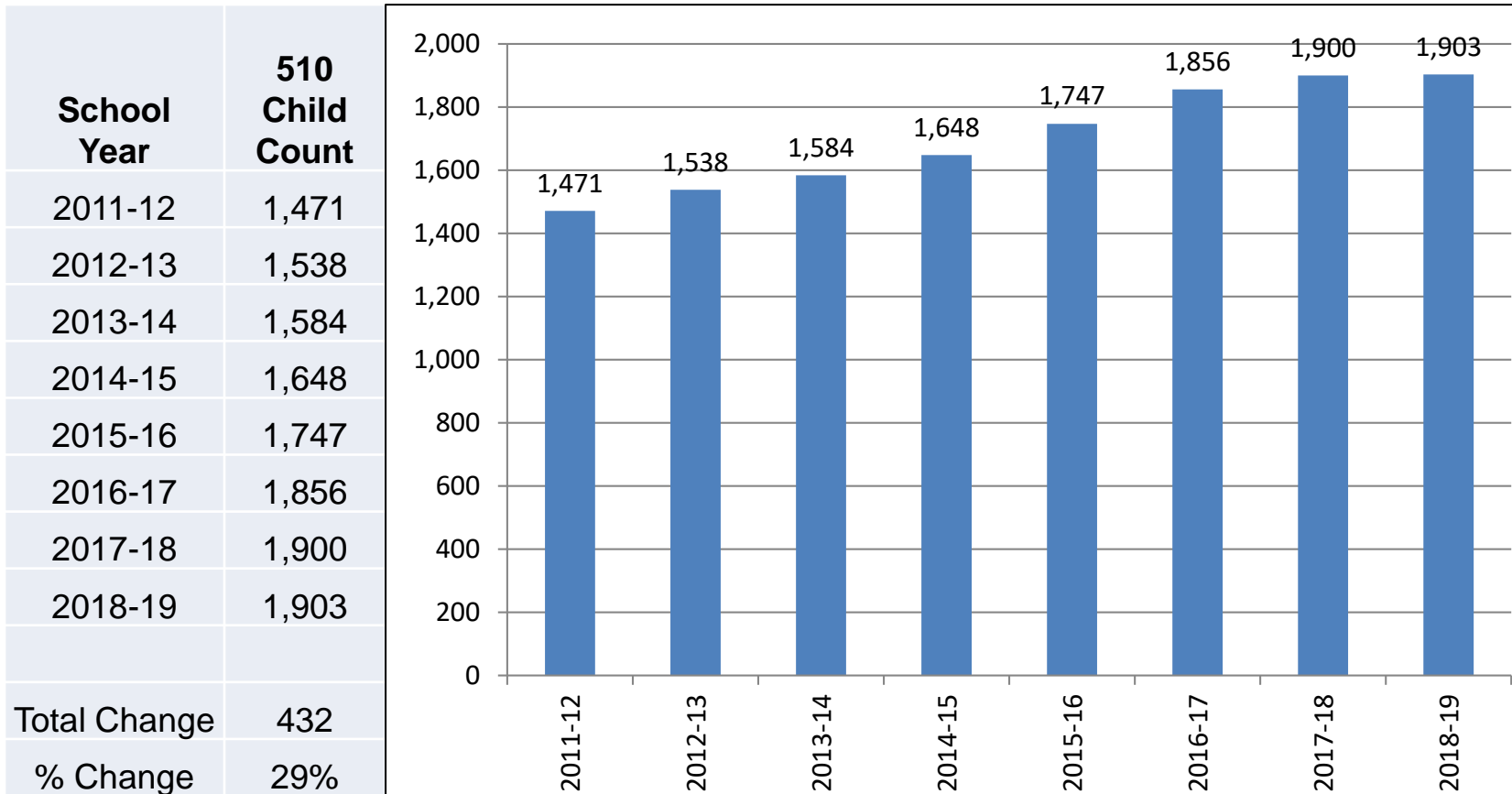
Evaluations Required for Eligibility

(505) Emotional Disturbance

- Ability
- Academic achievement
- Observations
- Behavior- (To support educational impact a Standardized Rating Scale must be completed individually, at a minimum, by two teachers, a parent and if appropriate, the student).
- If the team decides there are other areas of suspected disability, other evaluations must be given, such as adaptive behavior (to include social skills), speech or language.

NOTE: Skill based assessment information is to be gathered for each skill area affected by the disability.

510 – Cognitive Disability



Level 2 Disability (\$13,074.98 per student allocation)

510 – Cognitive Disability

ARSD 24:05:24.01:11. Cognitive disability defined. Cognitive disability is significantly below-average general intellectual functioning that exists concurrently with deficits in adaptive behavior skills, that is generally manifested before age eighteen, and that adversely affects a student's educational performance. The required evaluative components for identifying a student with a cognitive disability are as follows:

- 1) General intellectual functioning two standard deviations or more below the mean as determined by the full scale score on an individual cognitive evaluation, plus or minus standard error of measurement, as determined in accordance with § 24:05:25:04; and
- 2) Exhibits deficits in adaptive behavior and academic or preacademic skills as determined by an individual evaluation in accordance with § 24:05:25:04.

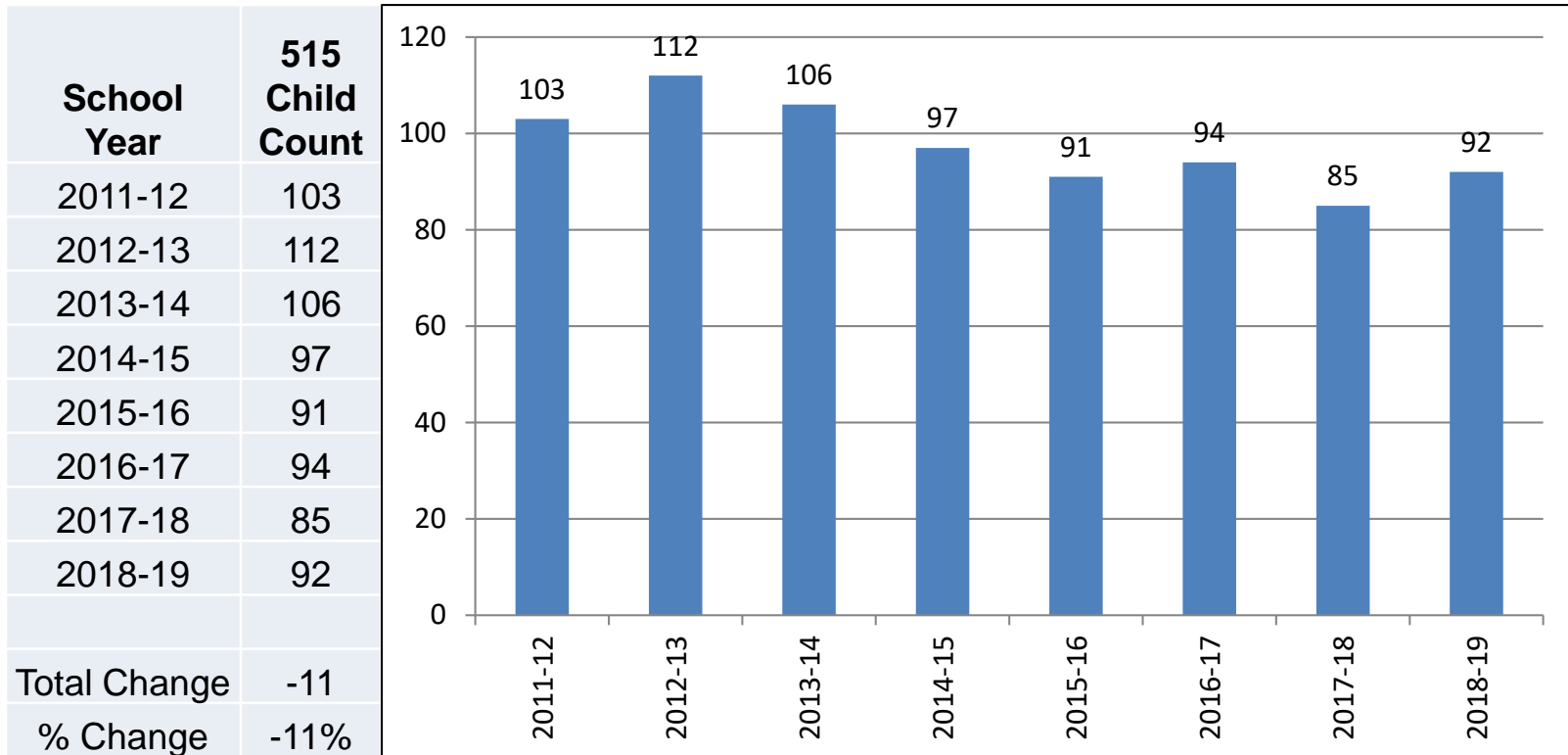
Evaluations Required for Eligibility

(510) Cognitive Disability

- Ability
- Academic achievement
- Adaptive behavior
- If the team decides there are other areas of suspected disability, other evaluations must be given, such as motor, speech or language.

NOTE: Skill based assessment information is to be gathered for each skill area affected by the disability.

515- Hearing Loss



Level 3 Disability (\$16,664.57 per student allocation)

515- Hearing Loss

ARSD 24:05:24.01:10. Hearing loss defined. A student may be identified as having a hearing loss if an unaided hearing loss of 35 to 69 decibels is present that makes the acquisition of receptive and expressive language skills difficult with or without the help of amplification

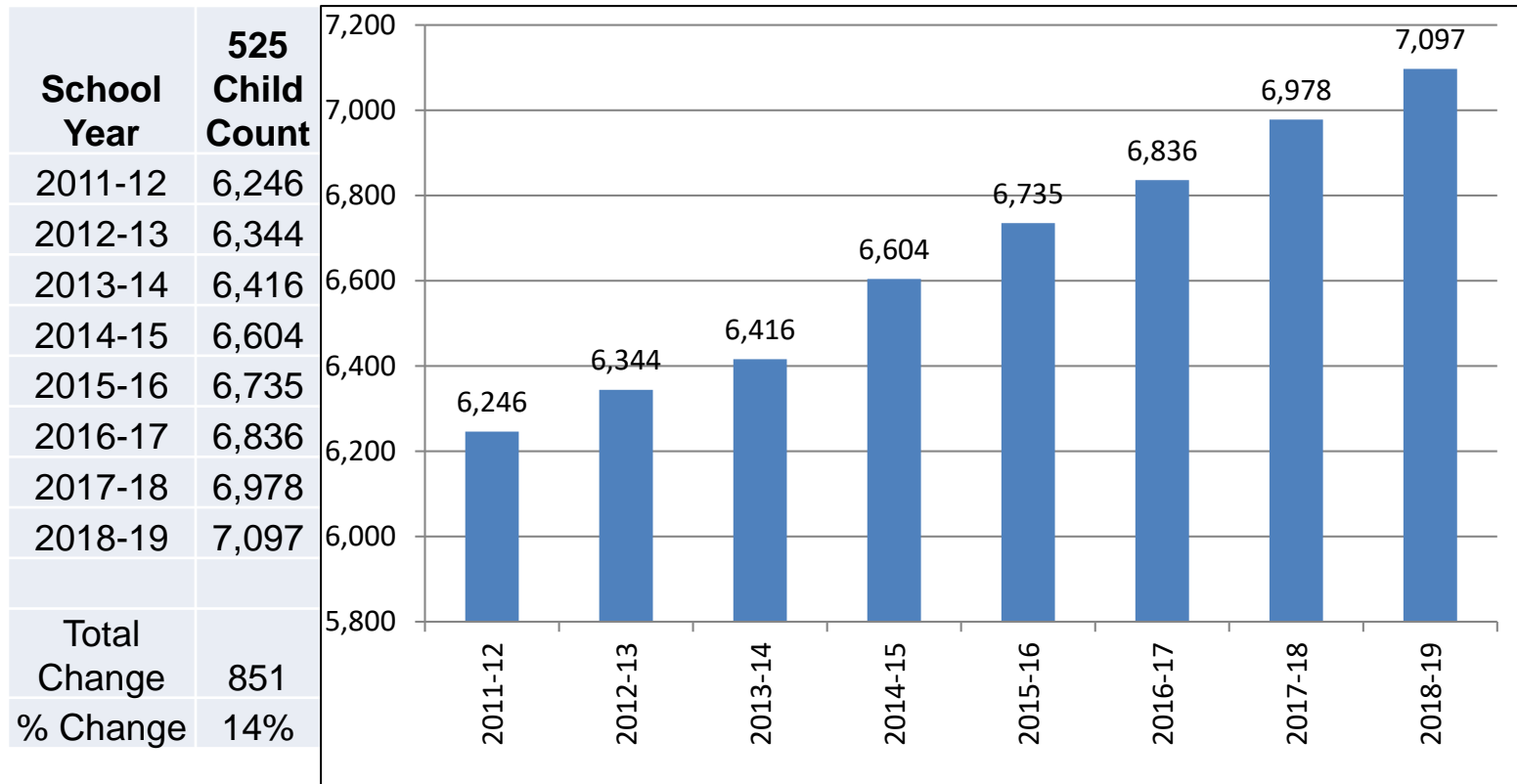
Evaluations Required for Eligibility

(515) Hearing Loss

- Audiological
- Ability
- Academic achievement
- Language
- If the team decides there are other areas of suspected disability, other evaluations must be given, such as adaptive behavior or speech.

NOTE: Skill based assessment information is to be gathered for each skill area affected by the disability.

525 – Specific Learning Disability



Level 1 Disability (\$5,665.27 per student allocation)

525 – Specific Learning Disability

ARSD 24:05:24.01:18. Specific learning disability defined. Specific learning disability is a disorder in one or more of the basic psychological processes involved in understanding or in using spoken or written language that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not apply to students who have learning problems that are primarily the result of visual, hearing, or motor disabilities; cognitive disability; emotional disturbance; or environmental, cultural, or economic disadvantage.

ARSD 24:05:24.01:19. Criteria for specific learning disability. A group of qualified professionals and the parent of the child may determine that a child has a specific learning disability if:

- 1) The child does not achieve adequately for the child's age or does not meet state- approved grade-level standards in one or more of the following areas, if provided with learning experiences and instruction appropriate for the child's age or state-approved grade-level standards:
 - Oral expression;
 - Listening comprehension;
 - Written expression;
 - Basic reading skill;
 - Reading fluency skills;
 - Reading comprehension;
 - Mathematics calculation; and
 - Mathematics problem solving;
- 2) (a) The child does not make sufficient progress to meet age or state-approved grade- level standards in one or more of the areas identified in this section when using a process based on the child's response to scientific, research-based intervention; or
(b) 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, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments, consistent with this article; and
- 3) The group determines that its findings under this section are not primarily the result of:
 - A visual, hearing, or motor disability;
 - A cognitive disability;
 - Emotional disturbance;
 - Cultural factors;
 - Environmental or economic disadvantage; or
 - Limited English proficiency.

525 – Specific Learning Disability

To ensure that underachievement in a child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group must consider, as part of the evaluation described in this article, data that demonstrate that prior to, or as a part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel, and data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child's parents.

The school district must promptly request parental consent to evaluate the child to determine whether the child needs special education and related services, and must adhere to the timeframes described in this article unless extended by mutual written agreement of the child's parents and a group of qualified professionals. The district must request such consent if, prior to a referral, a child has not made adequate progress after an appropriate period of time when provided instruction, as described in this section, and whenever a child is referred for an evaluation.

ARSD 24:05:25:07. Additional procedures for evaluating specific learning disabilities. In order for a school district to certify a child as learning disabled for purposes of the federal child count, requirements in §§ 24:05:24.01:19 and 24:05:25:08 to 24:05:25:13, inclusive, must be met and documented in a child's record.

ARSD 24:05:25:08. Additional group members for specific learning disabilities. The determination of whether a child suspected of having a specific learning disability is a child with a disability shall be made by the child's parents and a team of qualified professionals, which shall include:

- The child's regular teacher;
- If the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of that age;
- If the child is less than school age, an individual certified by the department to teach a child of that age; and
- At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, remedial reading teacher, or special education teacher.

525 – Specific Learning Disability

ARSD 24:05:25:11. Observation for specific learning disabilities. The school district shall ensure that the child is observed in the child's learning environment, including the regular classroom setting, to document the child's academic performance and behavior in the areas of difficulty.

The group described in this section, in determining whether a child has a specific learning disability, shall:

- 1) Use information from an observation in routine classroom instruction and monitoring of the child's performance that was done before the child was referred for an evaluation, as in a response to intervention model; or
- 2) Have at least one member of the group conduct an observation of the child's academic performance in the regular classroom after the child has been referred for an evaluation and parental consent, consistent with this chapter, is obtained, as in a discrepancy model.

If a child is less than school age or out of school, a group member must observe the child in an environment appropriate for a child of that age.

525 – Specific Learning Disability

ARSD 24:05:25:12. Documentation of eligibility for specific learning disabilities. For a child suspected of having a specific learning disability, the documentation of the determination of eligibility shall 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.

Evaluations Required for Eligibility

(525) Specific Learning Disability

- Eligibility using the **discrepancy model** will be determined through a comprehensive individual evaluation process which will include:
 - Ability
 - Academic achievement
 - Observation
 - If the team decides there are other areas of suspected disability, other evaluations must be given, such as adaptive behavior, speech or language.

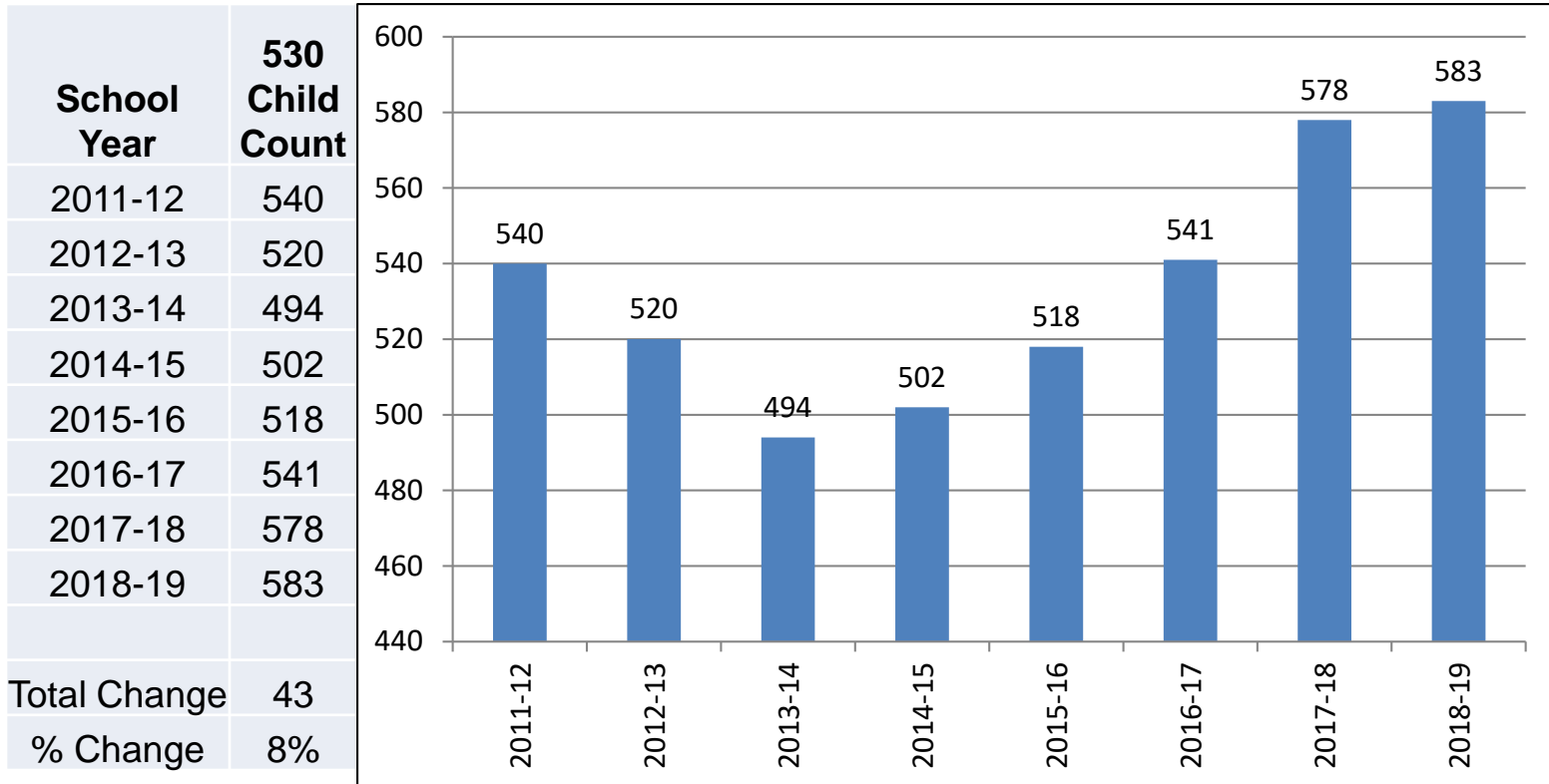
NOTE: Skill based assessment information is to be gathered for each skill area affected by the disability.

Eligibility using **RtI** will be determined through a comprehensive individual evaluation process which will include:

- Academic achievement (1.5 standard deviations from the mean);
- Evaluation of student growth relative to benchmark utilizing CBM data taking into account both level and rate of learning; and
- Direct observation to assess student performance in the classroom;
- If the team decides there are other areas of suspected disability, other evaluations must be given, such as adaptive behavior, speech or language.

NOTE: Skill based assessment information is to be gathered for each skill area affected by the disability.

530- Multiple Disabilities



Level 5 Disability (\$28,865.25 per student allocation)

530- Multiple Disabilities

ARSD 24:05:24.01:12. Multiple disabilities defined. Multiple disabilities means concomitant impairments (such as a cognitive disability-blindness or a cognitive disability-orthopedic impairment), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities does not include deaf-blindness

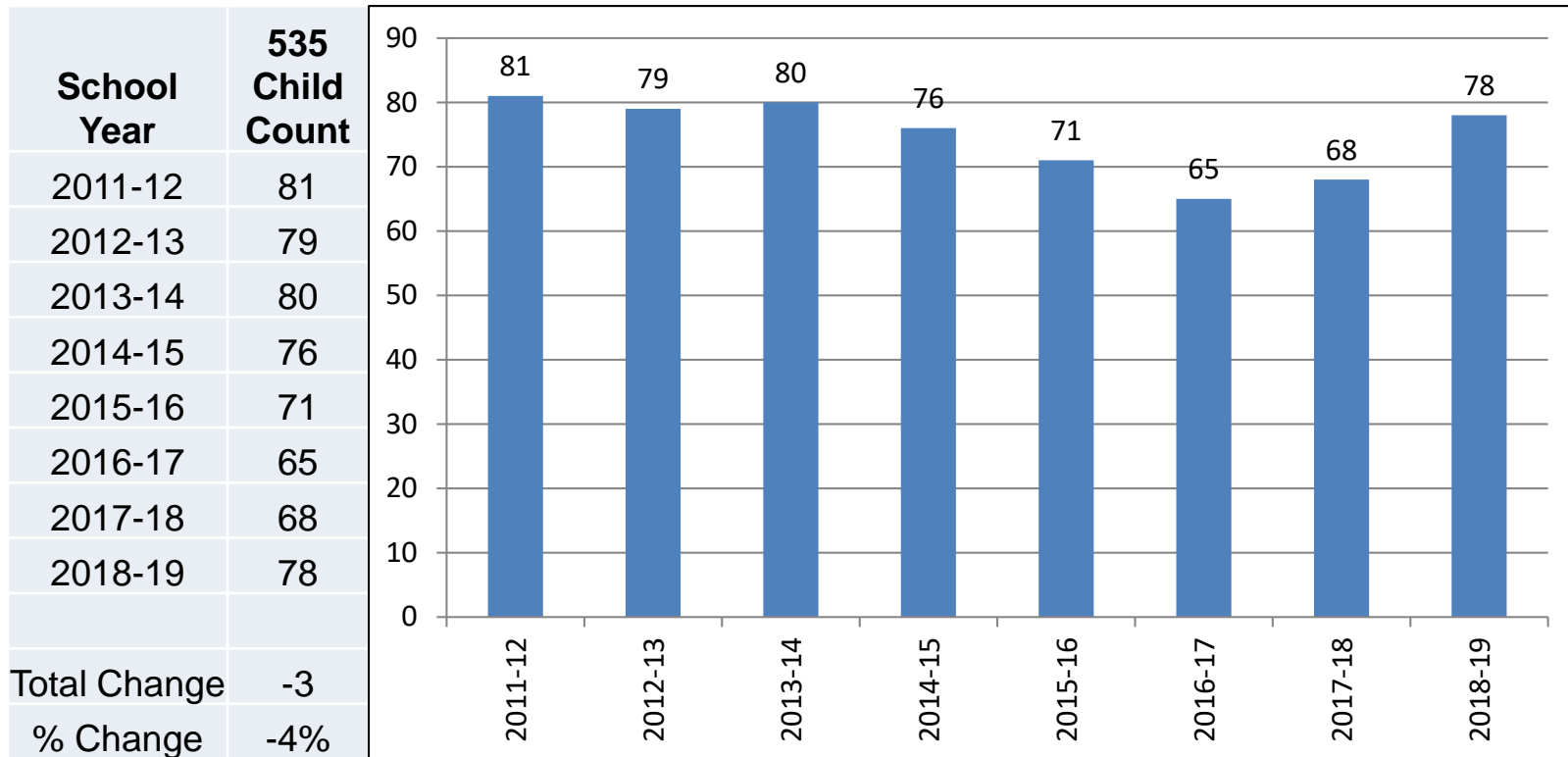
Evaluations Required for Eligibility

(530) Multiple Disabilities

- Evaluations must be conducted within the two (or more) disability areas, which the student is suspected of having.
- A child with multiple disabilities shall be evaluated by the procedures for each disability; and shall meet the criteria for two or more disabilities. The IEP team determines whether the criteria have been met.
- Evaluation data shall be gathered from those persons designated for each disability in the evaluation of multiple disabilities.

NOTE: Skill based assessment information is to be gathered for each skill area affected by the disability.

535 - Orthopedic Impairment



Level 3 Disability (\$16,664.57 per student allocation)

535 - Orthopedic Impairment

ARSD 24:05:24.01:13. Orthopedic impairment defined. Orthopedic impairment means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that causes contractures).

There must be evidence of the following:

- 1) That the student's impaired motor functioning significantly interferes with educational performance;
- 2) That the student exhibits deficits in muscular or neuromuscular functioning that significantly limit the student's ability to move about, sit, or manipulate materials required for learning;
- 3) That the student's bone, joint, or muscle problems affect ambulation, posture, or gross and fine motor skills; and
- 4) That current medical data by a qualified medical evaluator describes and confirms an orthopedic impairment.

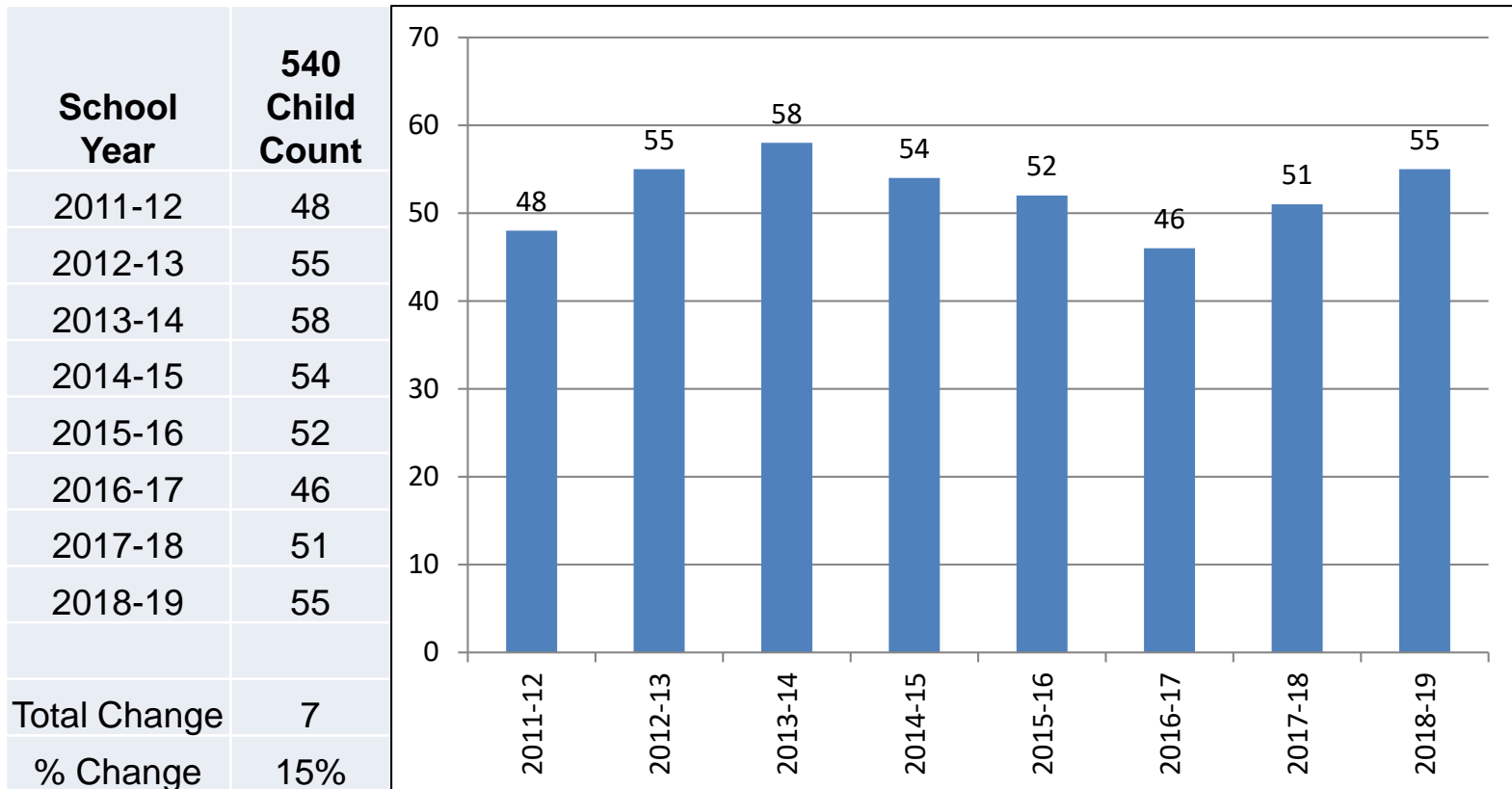
Evaluations Required for Eligibility

(535) Orthopedic Impairment

- Ability
- Academic achievement
- Gross and/or fine motor
- Adaptive Behavior
- Current medical data from a qualified medical examiner.
- Documentation including observation of classroom performance and evaluation of how orthopedic impairments adversely affect education performance in the general education classroom or learning environment.
- If the team decides there are other areas of suspected disability, other evaluation must be given, such as speech or language.

NOTE: Skill based assessment information is to be gathered for each skill area affected by the disability.

540 – Vision Loss



Level 3 Disability (\$16,664.57 per student allocation)

540 – Vision Loss

ARSD 24:05:24.01:30 Vision loss including blindness defined. Vision loss including blindness is an impairment in vision that, even with correction, adversely affects a student's educational performance. The term includes both partial sight and blindness.

A student with a vision loss has a deficiency in visual acuity that, even with the use of lenses or corrective devices, requires special education or special education and related services.

Partial sight is one or more deficiencies in visual acuity, as follows:

Visual acuity of no better than 20/70 in the better eye after correction;

- 1) Restricted visual field;
- 2) Limited ability to move about safely in the environment because of visual disability;

Blindness is a deficiency in visual acuity of 20/200 or less in the better eye with correcting lenses or a limited field of vision in which the widest diameter subtends an angular distance of no greater than twenty degrees or has a medically indicated expectation of visual deterioration.

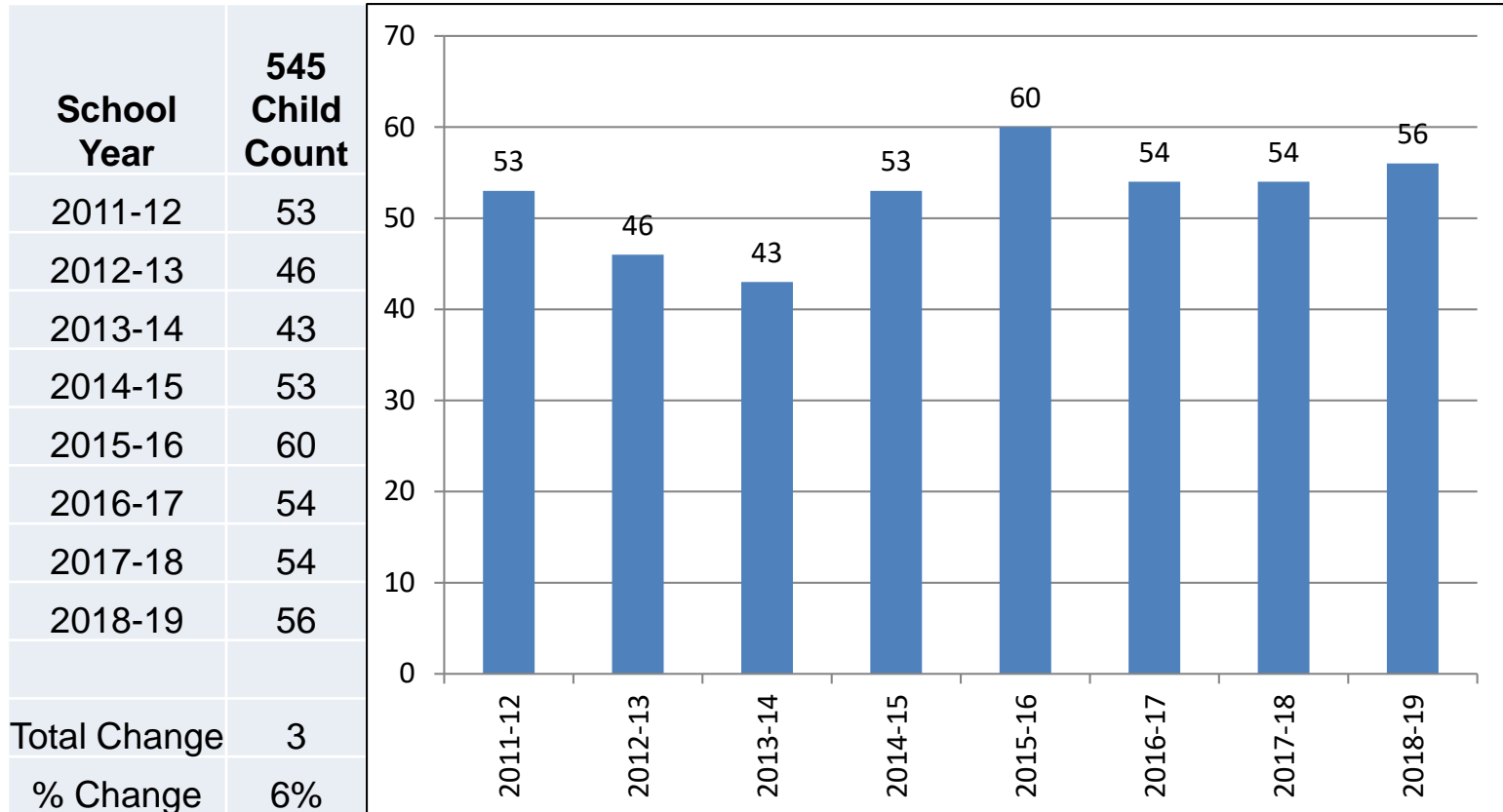
Evaluations Required for Eligibility

(540) Vision Loss

- Current (within 1-2 years) reports from an Ophthalmologist or Optometrist
- Ability
- Academic achievement
- Adaptive Behavior
- Braille assessment (the team shall consider based upon age-appropriateness).
- If the team decides there are other areas of suspected disability, other evaluations must be given, such as speech, language, or orientation and mobility.

NOTE: Skill based assessment information is to be gathered for each skill area affected by the disability.

545- Deafness



Level 3 Disability (\$16,664.57 per student allocation)

545- Deafness

ARSD 24:05:24.01:08. Deafness defined. Deafness is a hearing loss that is so severe that the student is impaired in processing linguistic information through hearing, even with amplification, and that adversely affects a student's educational performance.

A student may be identified as deaf if the unaided hearing loss is in excess of 70 decibels and precludes understanding of speech through the auditory mechanism, even with amplification, and the student demonstrates an inability to process linguistic information through hearing, even with amplification.

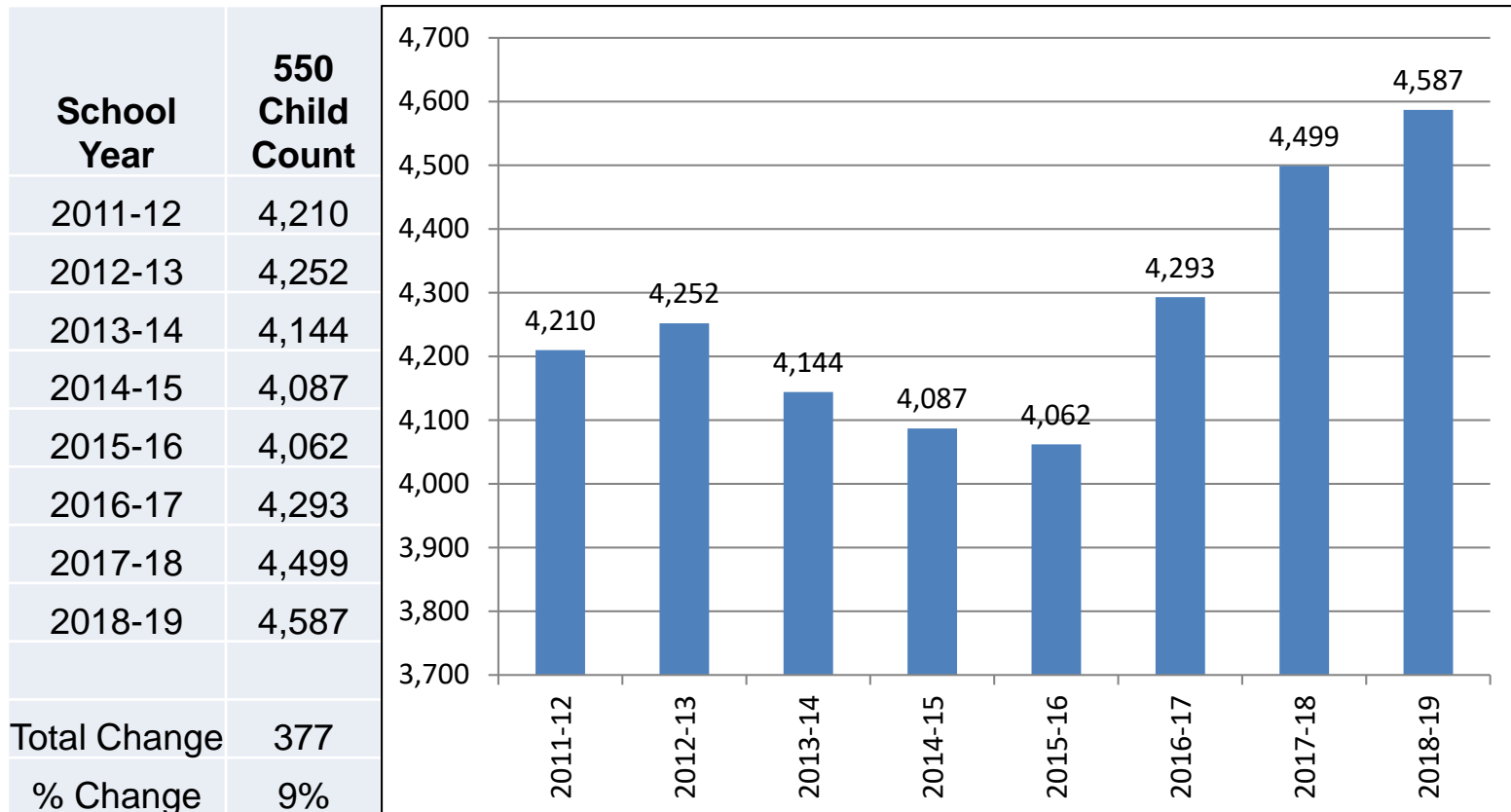
Evaluations Required for Eligibility

(545) Deafness

- Audiological
- Ability
- Academic achievement
- Language
- If the team decides there are other areas of suspected disability, other evaluations must be given, such as adaptive behavior, or speech.

NOTE: Skill based assessment information is to be gathered for each skill area affected by the disability.

550 – Speech Language Impairment



Level 1 Disability (\$5,665.27 per student allocation)

550 – Speech Language Impairment

ARSD 24:05:24.01:20. Speech or language disorder defined. Speech or language impairment is a communication disorder such as stuttering, impaired articulation, a language disorder, or a voice disorder that adversely affects a child's educational performance.

550 – Speech Language Impairment

ARSD 24:05:24.01:21. Articulation disorder defined. Articulation disorders include all non-maturational speech deviations based primarily on incorrect production of speech sounds.

Articulation disorders include omissions, substitutions, additions, or distortions of phonemes within words. Articulation patterns that can be attributed to cultural or ethnic background are not disabilities.

ARSD 24:05:24.01:22. Criteria for articulation disorder. A student may be identified as having an articulation disorder if one of the following criteria exist:

1. Performance on a standardized articulation test falls two standard deviations below the mean and intelligibility is affected in conversation;
2. Test performance is less than two standard deviations below the mean but the student is judged unintelligible by the speech and language clinician and one other adult;
3. Performance on a phonological assessment falls in the profound or severe range and intelligibility is affected in conversation; or
4. Performance on a phonological assessment falls in the moderate range, intelligibility is affected in conversation, and during a tracking period of between three and six months there was a lack of improvement in the number and type of errors; or
5. An error persists six months to one year beyond the chronological age when 90 percent of students have typically acquired the sound based on developmental articulation norms.

550 – Speech Language Impairment

ARSD 24:05:24.01:23. Fluency disorder defined. A fluency disorder is an interruption in the flow of speaking characterized by atypical rate, rhythm, and repetitions in sounds, syllables, words, and phrases. This may be accompanied by excessive tension, struggle behavior, and secondary mannerisms.

ARSD 24:05:24.01:24. Criteria for fluency disorder. A student may be identified as having a fluency disorder if:

- 1) The student consistently exhibits one or more of the following symptomatic behaviors of dysfluency:
 - a) Sound, syllable, or word repetition;
 - b) Prolongations of sounds, syllables, or words;
 - c) Blockages; or
 - d) Hesitations.
- 2) There is a significant discrepancy from the norm as measured by speech sampling in a variety of contexts. A significant discrepancy from the norm is five dysfluencies a minute; or
- 3) The disruption occurs to the degree that the individual or persons who listen to the individual react to the manner of speech and the disruptions in a way that impedes communication.

550 – Speech Language Impairment

ARSD 24:05:24.01:25. Voice disorder defined. A voice disorder is characterized by the abnormal production or absence of vocal quality, pitch, loudness, resonance, duration which is inappropriate for an individual's age or gender, or both.

ARSD 24:05:24.01:26. Criteria for voice disorder. A student may be identified as having a voice disorder if:

- 1) Consistent deviations exist in one or more of the parameters of voice: pitch, quality, or volume;
- 2) The voice is discrepant from the norm for age, gender, or culture and is distracting to the listener; and
- 3) The disorder is not the result of a temporary problem, such as normal voice changes, allergies, colds, or similar conditions.

550 – Speech Language Impairment

ARSD 24:05:24.01:27. Language disorder defined. A language disorder is a reduced ability, whether developmental or acquired, to comprehend or express ideas through spoken, written, or gestural language. The language disorder may be characterized by limited vocabulary, an inability to function through the use of words (pragmatics) and their meanings (semantics), faulty grammatical patterns (syntax and morphology), or the faulty reproduction of speech sounds (phonology). A language disorder may have a direct or indirect affect on a student's cognitive, social, emotional or educational development or performance and deviates from accepted norms. The term language disorder does not include students whose communication problems result solely from a native language other than English or from their dialectal differences.

ARSD 24:05:24.01:28. Criteria for language disorder. A student may be identified as having a language disorder as a primary disability if:

- 1) Through age eight, performance falls 1.5 standard deviations below the mean on standardized evaluation instruments; beginning at age nine, a difference is present of 1.5 standard deviations between performance on an individually administered standardized language assessment instrument and measured expected potential as measured by an individually administered intelligence test; and
- 2) The student's pragmatic skills, as measured by checklists, language samples, or observation, adversely affect the student's academic and social interactions.

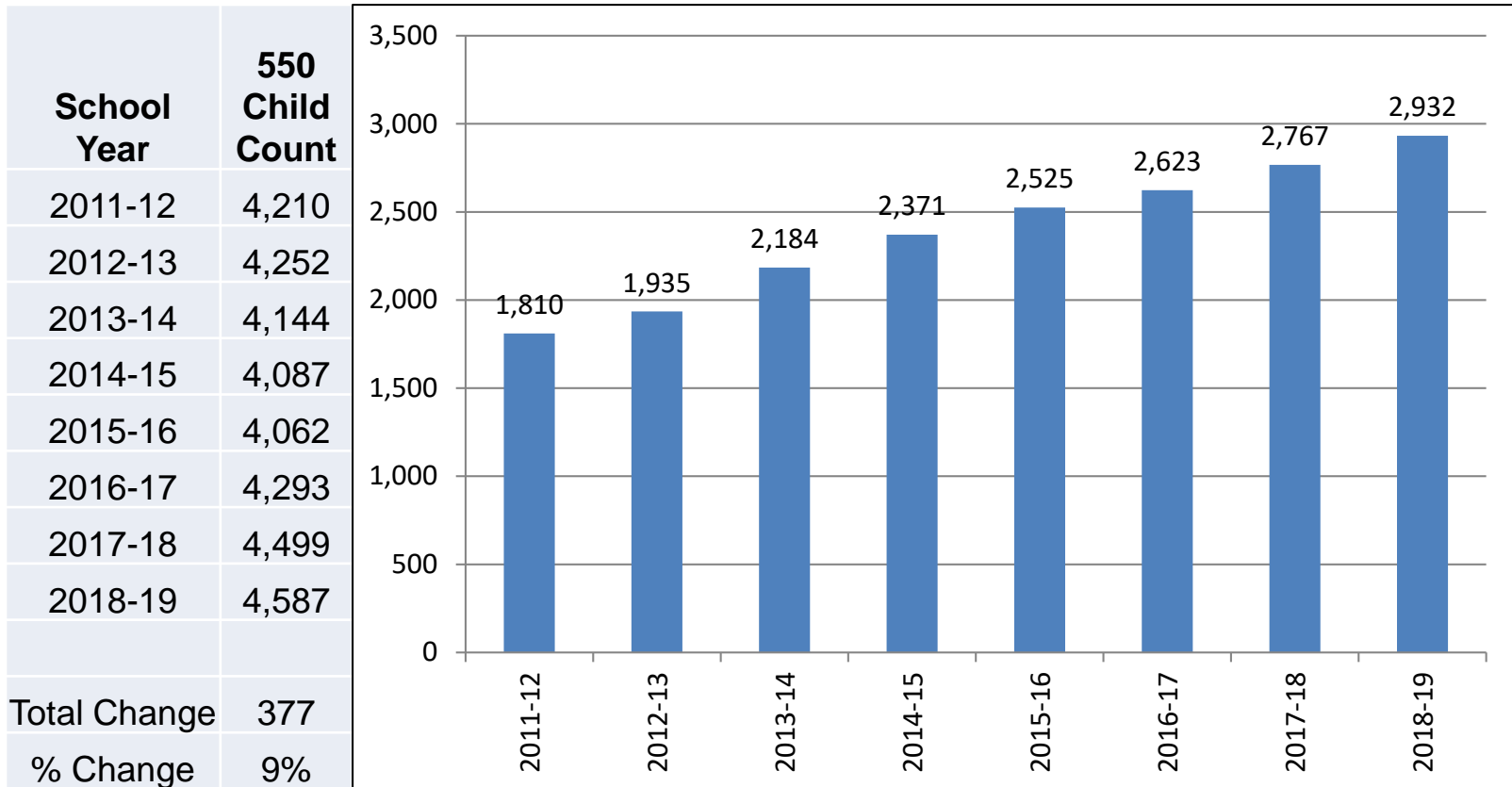
Evaluations Required for Eligibility

(550) Speech/Language Impairment

- Articulation: a standardized articulation test and observation
- Fluency: as determined by the speech/language pathologist
- Voice: as determined by the speech/language pathologist, medical evaluation may be necessary
- Language: standardized language assessments, checklists, language samples
- If the team decides there are other areas of suspected disability, other evaluations must be given, such as adaptive behavior.

NOTE: Skill based assessment information is to be gathered for each skill area affected by the disability.

555 – Other Health Impaired



Level 1 Disability (\$5,665.27 per student allocation)

555 – Other Health Impaired

ARSD 24:05:24.01:14. Other health impaired defined. Other health impaired means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment, because of a chronic or acute health problem, such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, attention deficit disorder or attention deficit hyperactivity disorder, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, Tourette Syndrome, or diabetes, that adversely affects a student's educational performance.

Adverse effects in educational performance must be verified through the full and individual evaluation process as defined in subdivision 24:05:13:01 (18).

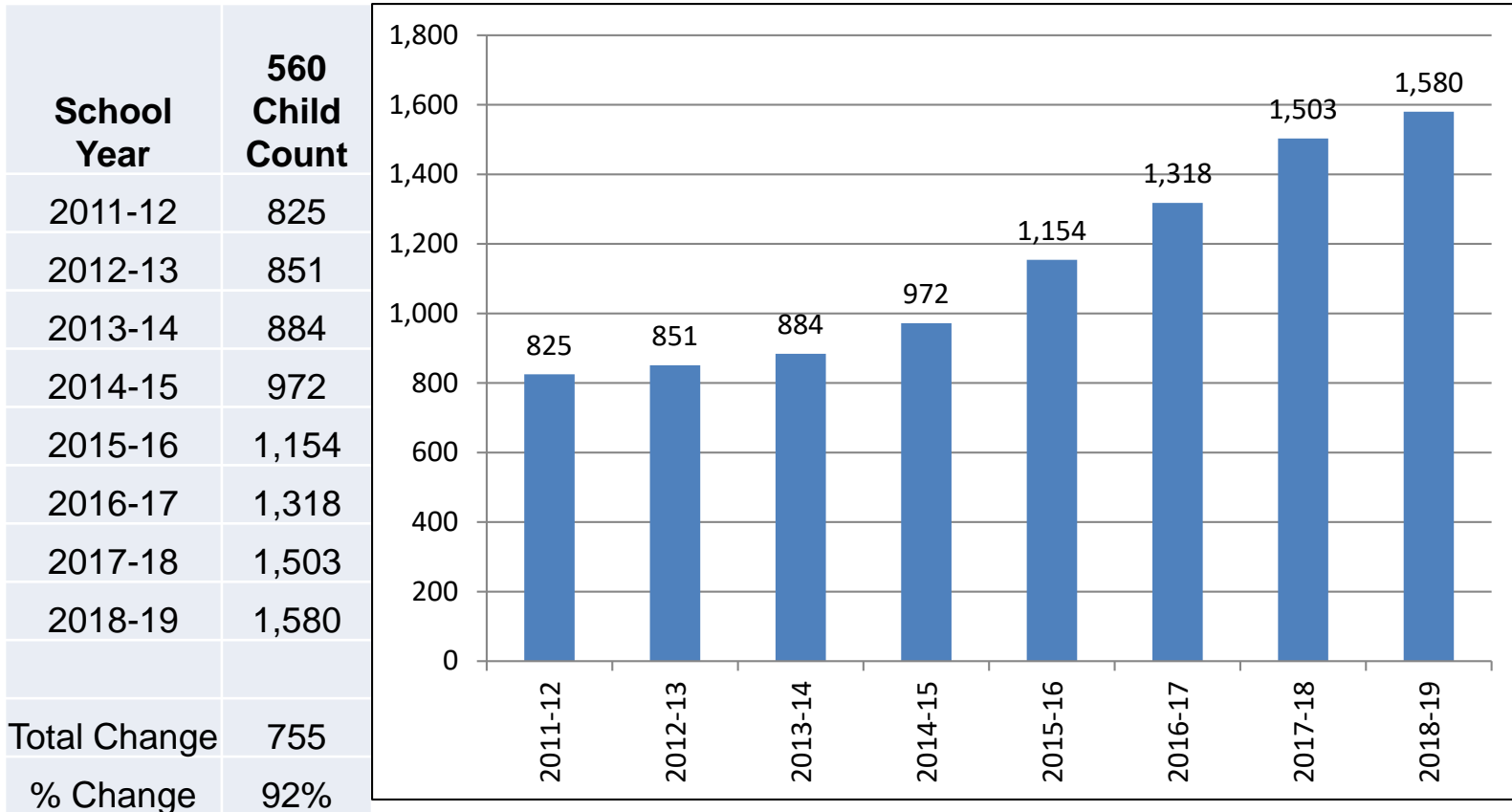
Evaluations Required for Eligibility

(555) Other Health Impaired

- Ability
- Academic achievement
- **Documentation of a chronic or acute health problem**
- If ADHI (Attention Deficit Hyperactivity Disorder) is the impairment, behavioral evaluations must be administered. To support educational impact a Standardized Rating Scale must be completed individually, at a minimum, by two teachers, a parent and if appropriate, the student).
- If the team decides there are other areas of suspected disability, other evaluations must be given, such as adaptive behavior, speech or language.

NOTE: Skill based assessment information is to be gathered for each skill area affected by the disability.

560 – Autism Spectrum Disorder



Level 4 Disability (\$16,160.97 per student allocation)

560 – Autism Spectrum Disorder

ARSD 24:05:24.01:03. Autism spectrum disorder defined. Autism spectrum disorder is a developmental disability that significantly affects verbal and nonverbal communication and social interaction and results in adverse effects, generally evident before age three, on the child's educational performance.

Other characteristics often associated with autism spectrum disorder are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.

The term does not apply if the student's educational performance is adversely affected primarily because the student has an emotional disturbance as defined under Part B of Individuals with Disabilities Education Act.

560 – Autism Spectrum Disorder

ARSD 24:05:24.01:04. Diagnostic criteria for autism spectrum disorder. An autism spectrum disorder is present in a student if the student expresses all three of the characteristics from subdivision (A), at least two characteristics from subdivision (B), and all of the characteristics in subdivision (C) through (E), inclusive:

- A. Persistent deficits in social communication and social interaction across multiple contexts, as manifested by all of the following, currently or by history (examples are illustrative, not exhaustive; see text):
 - 1) Deficits in social-emotional reciprocity, ranging, for example, from abnormal social approach and failure of normal back-and-forth conversation; to reduced sharing of interests, emotions, or affect; to failure to initiate or respond to social interactions.
 - 2) Deficits in nonverbal communicative behaviors used for social interaction, ranging, for example, from poorly integrated verbal and nonverbal communication; to abnormalities in eye contact and body language or deficits in understanding and use of gestures; to a total lack of facial expressions and nonverbal communication.
 - 3) Deficits in developing, maintaining, and understand relationships, ranging, for example, from difficulties adjusting behavior to suit various social contexts; to difficulties in sharing imaginative play or in making friends; to absence of interest in peers.

560 – Autism Spectrum Disorder

- B. Restricted, repetitive patterns of behavior, interests, or activities, as manifested by at least two of the following, currently or by history (examples are illustrative, not exhaustive; see text):
1. Stereotyped or repetitive motor movements, use of objects, or speech (e.g., simple motor stereotypes, lining up toys or flipping objects, echolalia, idiosyncratic phrases).
 2. Insistence on sameness, inflexible adherence to routines, or ritualized patterns of verbal or nonverbal behavior (e.g., extreme distress at small changes, difficulties with transitions, rigid thinking patterns, greeting rituals, need to take same route or eat same food every day).
 3. Highly restricted, fixated interests that are abnormal in intensity or focus (e.g., strong attachment to or preoccupation with unusual objects, excessively circumscribed or perseverative interests).
 4. Hyper- or hyporeactivity to sensory input or unusual interest in sensory aspects of the environment (e.g. apparent indifference to pain/temperature, adverse response to specific sounds or textures, excessive smelling or touching of objects, visual fascination with lights or movement).

560 – Autism Spectrum Disorder

- C. Symptoms must be present in the early developmental period (but may not become fully manifest until social demands exceed limited capacities, or may be masked by learned strategies in later life.)
- D. Symptoms cause clinically significant impairment in social, occupational, or other important areas of current functioning.
- E. These disturbances are not better explained by intellectual disability (intellectual development disorder) or global development delay. Intellectual disability and autism spectrum disorder frequently co-occur; to make comorbid diagnoses of autism spectrum disorder and intellectual disability; social communication should be below that expected for general developmental level.

If the above criteria are met, the student meets the definition of a student with autism spectrum disorder.

560 – Autism Spectrum Disorder

ARSD 24:05:24.01:04.01. Evaluation report and documentation for autism spectrum disorder. The evaluation report and documentation of eligibility for autism spectrum disorder must:

- 1) Be provided to the parent at no cost;
- 2) Address each of the criteria referenced in section 24:05:24.01:04; and
- 3) For criteria in section 24:05:24.01:04(1) and (2), address the severity level of social communication impairments and restricted, repetitive patterns of behavior as referenced on page fifty-two, table two of the manual.

ARSD 24:05:24.01:05. Diagnostic procedures for autism spectrum disorder. When evaluating a student for autism spectrum disorder, a school district shall use a multidisciplinary team or group of persons who are trained and experienced in the diagnosis and educational evaluation of persons with autism spectrum disorder.

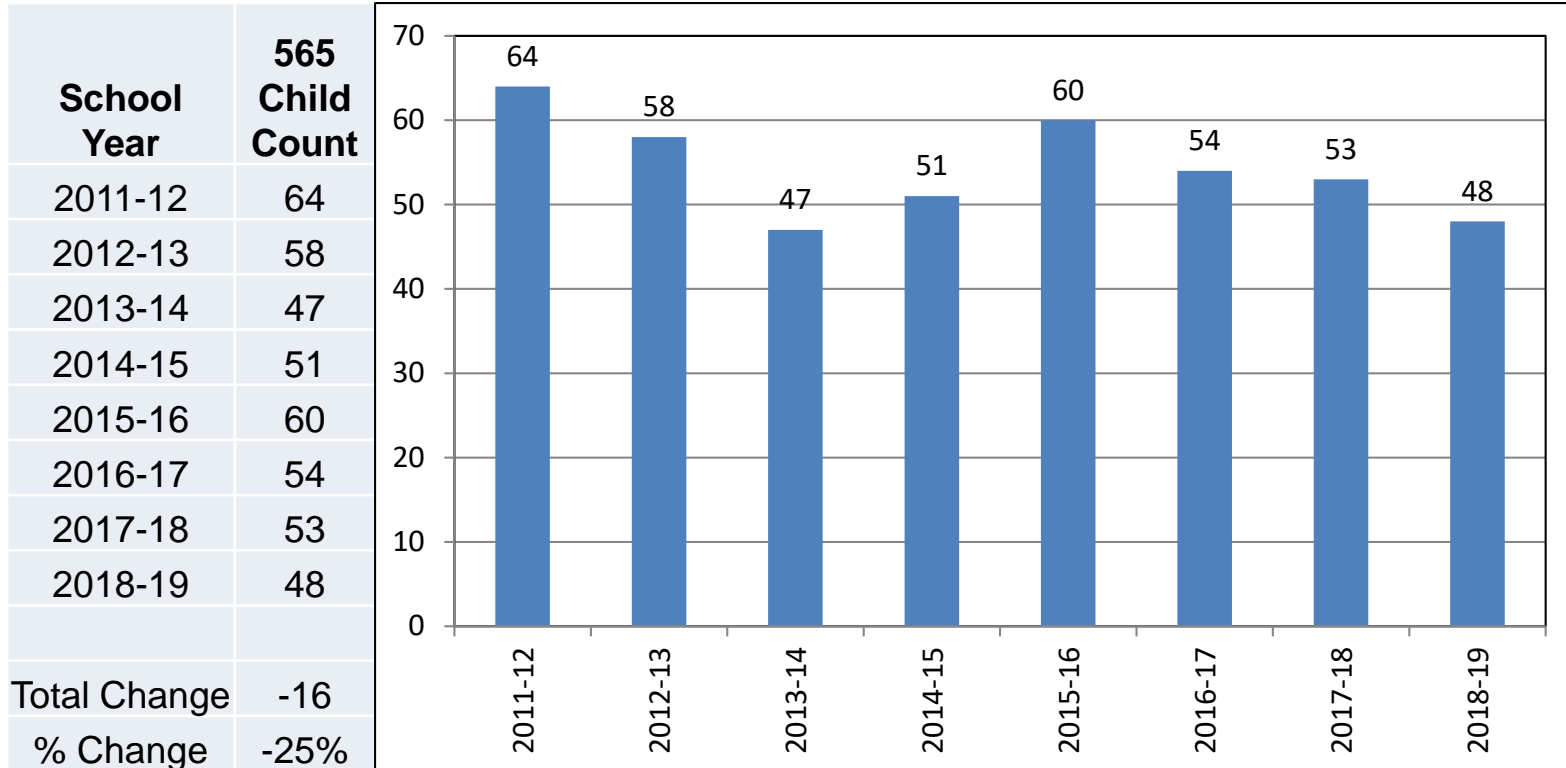
Evaluations Required for Eligibility

(560) Autism

- Note: School districts shall refer students suspected as having autism for a diagnostic evaluation to an agency specializing in the diagnostic and educational evaluation of autism or to another multidisciplinary team or group of persons who are trained and experienced in the diagnosis and educational evaluation of persons with autism.
- Ability
- Academic achievement
- Language
- Adaptive Behavior to include social skills
- Behavioral - (To support educational impact a Standardized Rating Scale must be completed individually, at a minimum, by two teachers, a parent and if appropriate, the student).
- Autism Specific Instrument
- Observation
- If the team decides there are other areas of suspected disability, other evaluations must be given, such as motor, speech, health, vision or hearing.

NOTE: Skill based assessment and/or early development information is to be gathered for each skill area affected by the disability.

565 – Traumatic Brain Injury



Level 3 Disability (\$16,664.57 per student allocation)

565 – Traumatic Brain Injury

ARSD 24:05:24.01:29. Traumatic brain injury defined. A traumatic brain injury is an acquired injury to the brain caused by an external physical force, resulting in a total or partial functional disability or psychosocial impairment, or both, that adversely affects a student's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not apply to brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma.

Adverse effects in educational performance must be verified through the multidisciplinary evaluation process as defined in §24:05:13:01 (18).

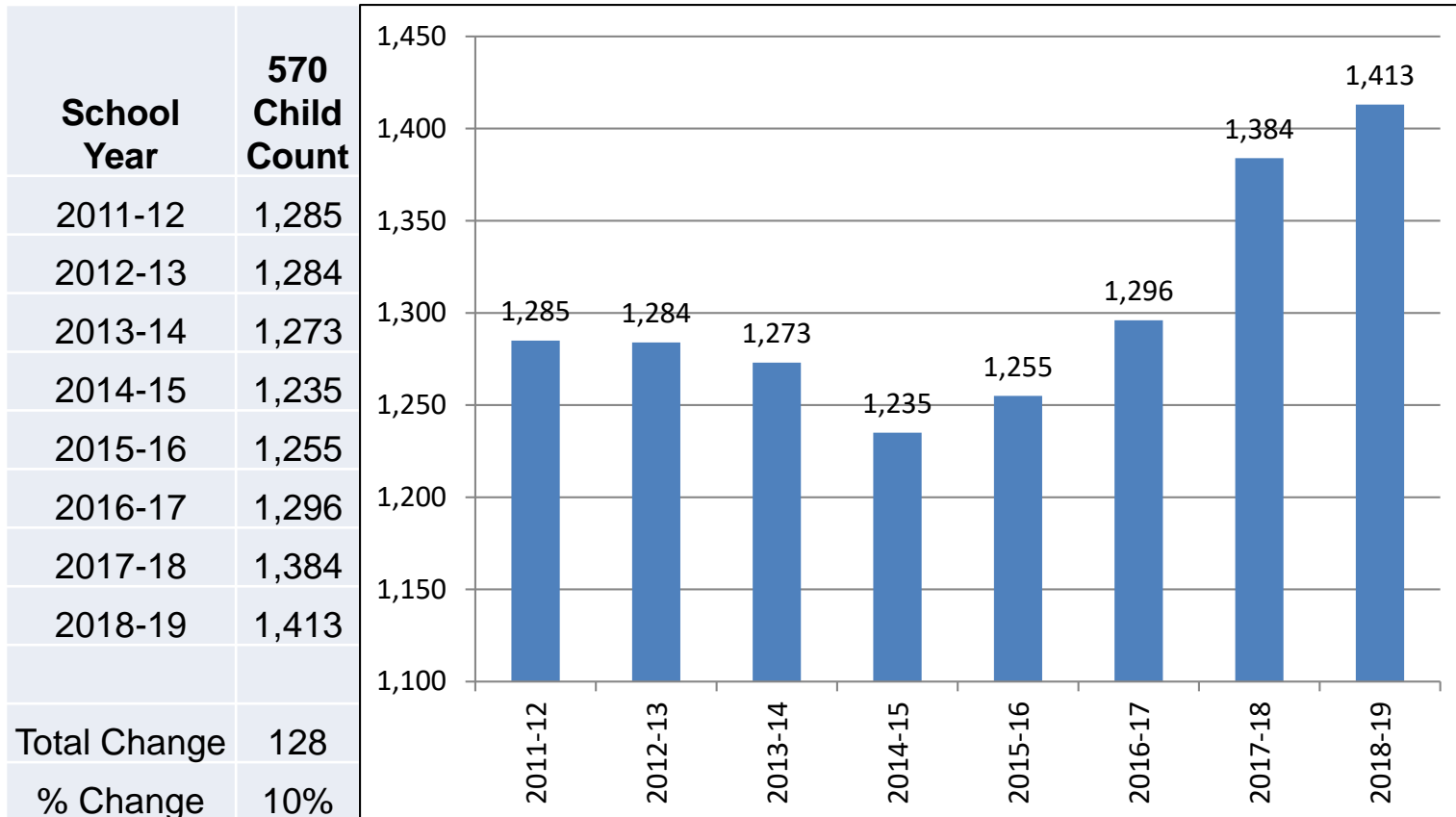
Evaluations Required for Eligibility

(565) Traumatic Brain Injury

- Ability
- Medical records of documentation of brain injury
- Academic achievement
- Adaptive Behavior to include social skills
- If the team decides there are other areas of suspected disability, other evaluations must be given, such as speech, language, gross motor, fine motor or attention

NOTE: Skill based assessment information is to be gathered for each skill area affected by the disability.

570 - Developmental Delay



Level 1 Disability (\$5,665.27 per student allocation)

570 - Developmental Delay

ARSD 24:05:24.01:09. Developmental delay defined. 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 listed in § 24:05:24.01:01 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.

A district is not required to adopt and use the term developmental delay for any students within its jurisdiction. If a district uses the term developmental delay, the district must conform to both the division's definition of the term and to the age range that has been adopted by the division.

A district shall ensure that all of the student's special education and related services needs that have been identified through the evaluation procedures described under chapter 24:05:25 are appropriately addressed.

Evaluations Required for Eligibility

(570) Developmental Delay

- Standardized assessment which provides assessment in all development areas:
- Cognitive,
- Physical/Motor (gross and fine)
- Communication
- Social/Emotional
- Adaptive
- If the team decides there are other areas of suspected disability, other evaluations must be given, such as speech.

NOTE: Skill based assessment information is to be gathered for each skill area affected by the disability.

PROLONGED ASSISTANCE

ARSD 24:05:24.01:15. Prolonged assistance defined. Children from birth through two may be identified as being in need of prolonged assistance if, through a multidisciplinary evaluation, they score two standard deviations or more below the mean in two or more of the following areas: cognitive development, physical development including vision and hearing, communication development, social or emotional development, and adaptive development.

Note: Child count statistics for Prolonged Assistance were not available.

Related Services

ARSD 24:05:27:22. Occupational therapy defined. Occupational therapy, as a related service, includes the development of fine motor coordination; sensory motor skills; sensory integration; visual motor skills; use of adaptive equipment; consultation and training in handling, positioning, and transferring students with physical impairments; and independence in activities of daily living.

ARSD 24:05:27:23. Criteria for occupational therapy. A student may be identified as in need of occupational therapy as a related service if:

- 1) The student has a disability and requires special education;
- 2) The student needs occupational therapy to benefit from special education; and
- 3) The student demonstrates performance on a standardized assessment instrument that falls at least 1.5 standard deviations below the mean in one or more of the following areas: fine motor skills, sensory integration, and visual motor skills.

Related Services

ARSD 24:05:27:24. Physical therapy defined. Physical therapy, as a related service, includes gross motor development; mobility; use of adaptive equipment; and consultation and training in handling, positioning, and transferring students with physical impairments.

ARSD 24:05:27:25. Criteria for physical therapy. A student may be identified as in need of physical therapy as a related service if:

- 1) The student has a disability and requires special education;
- 2) The student needs physical therapy to benefit from special education; and
- 3) The student demonstrates a delay of at least 1.5 standard deviations below the mean on a standardized motor assessment instrument.

IEP Team Override

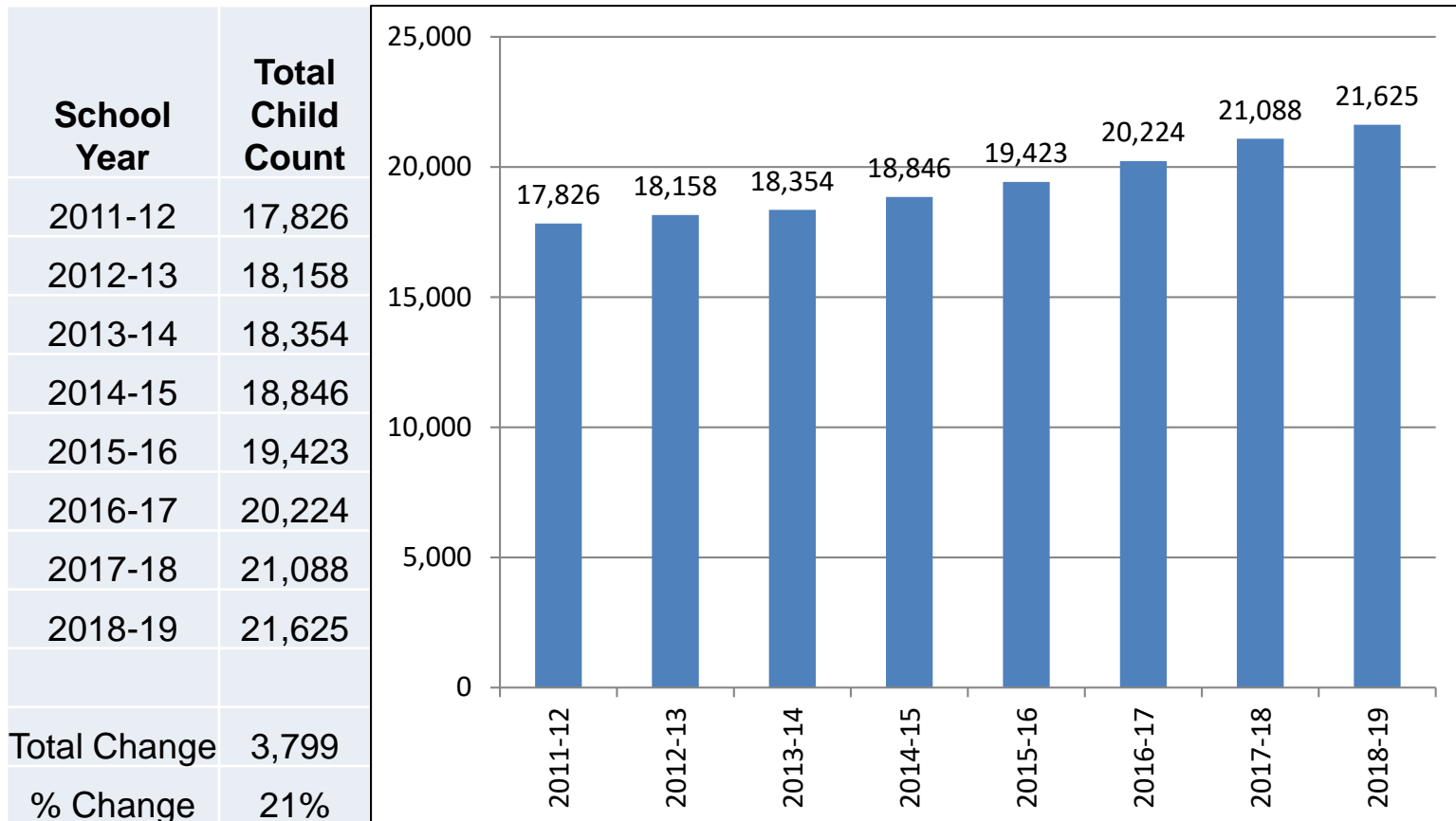
ARSD 24:05:24.01:31. IEP team override. If the IEP team determines that a student is eligible for special education or special education and related services because the student has a disability and needs special education even though the student does not meet specific requirements in this chapter, the IEP team must include documentation in the record as follows:

The record must contain documents that explain why the standards and procedures that are used with the majority of students resulted in invalid findings for this student;

- 1) The record must indicate what objective data were used to conclude that the student has a disability and is in need of special education. These data may include test scores, work products, self-reports, teacher comments, previous tests, observational data, and other developmental data;
- 2) Since the eligibility decision is based on a synthesis of multiple data and not all data are equally valid, the team must indicate which data have the greatest relative importance for the eligibility decision; and
- 3) The IEP team override decision must include a sign-off by the IEP team members agreeing to the override decision. If one or more IEP team members disagree with the override decision, the record must include a statement of why they disagree signed by those members.

The district director of special education shall keep a list of students on whom the IEP team override criteria were used in order to assist the state in evaluating the adequacy of student identification criteria.

Total Child Count



References

S.D. Dept. of Education Eligibility Guide, August 2016

<https://doe.sd.gov/sped/documents/16-Eligib.pdf>

Tools and Resources Related to Special Education Eligibility

<https://doe.sd.gov/sped/documents/SPEDeliTo.pdf>

S.D. Statewide Child Count Statistics

<https://doe.sd.gov/ofm/data-childcount.aspx>

Funding Disability Levels

<https://doe.sd.gov/Legislature/documents/10Year-SE-2019.pdf>