

# State of South Dakota

NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2019

866B0068

## HOUSE EDUCATION ENGROSSED NO. **SB 3** - 2/27/2019

Introduced by: Senators Bolin, Maher, Nesiba, and Youngberg and Representatives Schoenfish, Bartels, Duvall, and Smith (Jamie) at the request of the Extraordinary Cost Fund for Special Education Study Committee

1 FOR AN ACT ENTITLED, An Act to create the Special Education Task Force.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That chapter 2-6 be amended by adding a NEW SECTION to read:

4 There is hereby created the Special Education Interim Legislative Committee. The purpose  
5 of the interim committee is:

6 (1) To examine the diagnostic tools and assessments used to identify students in South  
7 Dakota schools in need of special education or special education and related services;

8 (2) To examine the disability categories that are rising at the greatest rate and review  
9 eligibility requirements;

10 (3) To review the funding levels of the disability categories;

11 (4) To examine the common costs associated with extraordinary cost fund applications,  
12 including out-of-district placements; and

13 (5) To develop recommendations to address the increasing costs of services.

14 Section 2. That chapter 2-6 be amended by adding a NEW SECTION to read:



1 The interim committee created in section 1 of this Act shall consist of the following fourteen  
2 members:

3 (1) The Executive Board of the Legislative Research Council shall appoint the following:

4 (a) Five legislators including, if possible, the chair or vice-chair of the Senate  
5 standing committee on education and the chair or vice-chair of the House  
6 standing committee on education and one member of the minority party who  
7 serves on either the Senate or House standing committee on education; and

8 (b) A person who is an advocate for persons with disabilities;

9 (2) The secretary of education shall appoint the following:

10 (a) Three school district superintendents; one representing a school district  
11 located east of the Missouri River, one representing a school district located  
12 west of the Missouri River, and one representing a school district with a fall  
13 enrollment of four hundred or fewer;

14 (b) One current member of a local school board;

15 (c) One special education director who is currently employed in a school district  
16 other than a school district represented by a superintendent or school board  
17 member appointed to serve on the interim committee pursuant to this section;  
18 and

19 (d) One school district business manager; and

20 (3) The Governor shall appoint two persons, at least one of whom is the parent of a child  
21 who attends a public school and is in need of special education or special education  
22 and related services.

23 Section 3. That chapter 2-6 be amended by adding a NEW SECTION to read:

24 The interim committee shall be under the supervision of the Executive Board of the

1 Legislative Research Council and shall report to the board on the interim committee's activities  
2 from time to time. The interim committee shall be funded and staffed as an interim legislative  
3 committee.

4 Section 4. That chapter 2-6 be amended by adding a NEW SECTION to read:

5 The interim committee shall conclude its work and report its findings and recommendations  
6 to the Legislature and to the Governor no later than the next legislative session.

7 Section 5. The provisions of this Act are repealed on June 30, 2020.