

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

866B0068

HOUSE ENGROSSED NO. **SB 3** - 3/5/2019

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 Interim Legislative
2 Committee.

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

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

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

- 7 (1) To examine the diagnostic tools and assessments used to identify students in South
8 Dakota schools in need of special education or special education and related services;
- 9 (2) To examine the disability categories that are rising at the greatest rate and review
10 eligibility requirements;
- 11 (3) To review the funding levels of the disability categories;
- 12 (4) To examine the common costs associated with extraordinary cost fund applications,
13 including out-of-district placements; and
- 14 (5) To develop recommendations to address the increasing costs of services.



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

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

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

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

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

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

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

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

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

20 (d) One school district business manager; and

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

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

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

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

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

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