



2020 South Dakota Legislature  
**House Bill 1228**  
**ENROLLED**

AN ACT

**ENTITLED An Act to include children with a hearing loss in the reporting criteria required for deaf and hard-of-hearing children.**

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

**Section 1.** That § 13-33B-10 be AMENDED:

**13-33B-10. Reporting criteria specific to language and literacy development.**

Before August 1, 2020, the department shall establish reporting criteria, using existing data reported in compliance with the federally required state performance plan on students with disabilities, that is specific to language and literacy development of deaf and hard-of-hearing children from birth to five years of age, inclusive.

Beginning on July 1, 2021, in conjunction with the department's annual collection of data on children with disabilities served, the department shall also annually report the number of enrolled students from birth to age twenty-one, regardless of disability status, who have a documented hearing loss of thirty-five decibels or more, unaided unilaterally or bilaterally.

**Section 2.** That § 13-33B-11 be AMENDED:

**13-33B-11. Implementation and application of §§ 13-33B-4 to 13-33B-10.**

The implementation of §§ 13-33B-4 to 13-33B-10, inclusive, shall be consistent with federal law regarding the education of children with disabilities and the privacy of student information. Sections 13-33B-4 to 13-33B-9, inclusive, only apply to children from birth to five years of age.

An Act to include children with a hearing loss in the reporting criteria required for deaf and hard-of-hearing children.

\_\_\_\_\_  
I certify that the attached Act originated in  
the:  
House as Bill No. 1228

\_\_\_\_\_  
Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_,  
2020 at \_\_\_\_\_ M.

\_\_\_\_\_  
Chief Clerk

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_  
Speaker of the House

The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 2020

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
President of the Senate

Attest:

Filed \_\_\_\_\_, 2020  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Secretary of State

House Bill No. 1228  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State