

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

398Y0048

HOUSE BILL NO. 1133

Introduced by: Representatives DiSanto, Ahlers, Brunner, Campbell, Clark, Frye-Mueller, Goodwin, Greenfield (Lana), Haggar, Haugaard, Heinemann, Holmes, Howard, Kaiser, Marty, May, McCleerey, McPherson, Pischke, Qualm, Rasmussen, Reed, Soli, and Wismer and Senators Russell, Greenfield (Brock), Jensen (Phil), Langer, Nelson, Stalzer, and Wiik

1 FOR AN ACT ENTITLED, An Act to require each school district to adopt a plan to provide for
2 students with specific learning disabilities.

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

4 Section 1. That chapter 13-37 be amended by adding a NEW SECTION to read:

5 For the purposes of this Act, a specific learning disability is a disorder in one or more of the
6 basic psychological processes involved in understanding or in using language, spoken or written,
7 that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to
8 do mathematical calculations, including conditions such as perceptual disabilities, brain injury,
9 minimal brain dysfunction, dyslexia, and developmental aphasia.

10 Section 2. That chapter 13-37 be amended by adding a NEW SECTION to read:

11 Each school district shall, by January 1, 2018, adopt a plan to provide for any child with a
12 specific learning disability. A plan adopted by a school district pursuant to this section shall
13 provide for the following:



- 1 (1) The conduct of a comprehensive evaluation requiring the use of a variety of
2 assessment tools and strategies to gather relevant functional, developmental, and
3 academic information about the child to determine if the child meets the criteria for
4 specific learning disability or other disability and is eligible for special education or
5 special education and related services. A school may choose to implement a multi-
6 tiered system of supports, such as response to intervention or positive behavioral
7 interventions and supports;
- 8 (2) Further evaluation of any student who is determined to have a specific learning
9 disability or other disability to determine any additional academic and behavioral
10 supports the student may need to succeed in a general education environment;
- 11 (3) Parental participation in any determination made regarding the educational needs of
12 a student exhibiting characteristics of a specific learning disability; and
- 13 (4) Practices and procedures to ensure that each student who exhibits any characteristics
14 of a specific learning disability is evaluated, even a student who has a history of
15 academic success.

16 Section 3. That chapter 13-37 be amended by adding a NEW SECTION to read:

17 At the time of a school district's accreditation review conducted pursuant to § 13-1-12.1, the
18 Department of Education shall ensure that the school district is complying with the provisions
19 of this Act.