**24:05:24.01:16.  Emotional disability defined.** For the purpose of this chapter, the term, emotional disability, means 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.

The term, emotional disability, includes schizophrenia. The term does not apply to a student who is socially maladjusted unless the individualized education program team determines pursuant to § 24:05:24.01:17 that the student has an emotional disability.

**Source:** 23 SDR 31, effective September 8, 1996; 26 SDR 150, effective May 22, 2000; 33 SDR 236, effective July 5, 2007; 49 SDR 12, effective August 14, 2022.

**General Authority:** SDCL 13-37-1.1.

**Law Implemented:** SDCL 13-37-1.1.